

Serena McIlwain, Secretary Suzanne E. Dorsey, Deputy Secretary Adam Ortiz, Deputy Secretary

May 12, 2025

Dayl R Baile c/o Dani Racine Lane Engineering LLC 117 Bay St Easton, MD 21601

Via email: dracine@leinc.com

Re: Agency Interest Number: 183639 Tracking Number: 202461224

Tidal Authorization Number: 24-WQC-0041

Dear Dayl Baile:

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 Matt Godbey at Matt.Godbey@maryland.gov or 410-901-4033 with any questions.

Sincerely,

Jonathan Stewart, Chief Eastern Region

Tidal Wetlands Division



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



### 24-WQC-0041

EFFECTIVE DATE: May 12, 2025

CERTIFICATION HOLDER: Dayl R. Baile

ADDRESS: P.O Box 656

Rock Hall, MD 21661

PROJECT LOCATION: 22506 Hidden Acres Ln

Rock Hall, MD 21661

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 DAYL & MELISSA BAILE AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED SEPTEMEBR 9, 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.

The Maryland Department of the Environment satisfied the statutory and regulatory public notice requirements by placing the WQC on Public Notice from October 1, 2024, to November 1, 2024, on Maryland Department of the Environment's Public Notice webpage.

# **PROJECT DESCRIPTION**

Mechanically dredge a 57-foot long by 110 foot wide irregularly shaped area to a depth of 3.0 feet at mean low water and a 1,115-foot long by 20-foot wide (spur) channel to a depth of 3.0 feet at mean low water; and to deposit approximately 1,831 cubic yards of dredged material on an approved upland disposal site located at 4944 Crosby Road, Rock hall 21661; 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. The Certification Holder shall allow authorized representatives of the Department 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, 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-2024-61224-M53 (Dayl & Melissa Baile) 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 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.
- 5. The Licensee shall transport all dredged material in watertight trucks or barges. No dredged material shall be discharged onto the roadways or into waters of the State.
- 6. The Licensee shall conduct subsequent maintenance dredging within the scope of this license in terms of authorized dredge area and authorized depths. The licensee shall:
  - 1. Dredge no more than 500 cubic yards of material at each maintenance dredging.
  - 2. Comply with all applicable conditions of this license.
  - 3. 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.
  - 4. 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.
- 7. The Licensee 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 Licensee 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 Licensee shall dispose of dredged material only at the dredge disposal sites approved by this Wetland License. The Licensee shall submit an application for modification of the License to MDE for approval of any dredge disposal site not authorized within this License.
- 10. 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.
- 11. This License provides no justification or assurances for future dredging. All proposed dredging projects shall be evaluated on the biological and physical characteristics of the project site at the time an application is made. Water depths are acknowledged as existing and depicted on the attached plans dated September 9, 2024.

- 12. In accordance with Code of Maryland Regulation 26.24.03.02D, dredging by means of a vessel's propeller in State wetlands is prohibited. The use of motorized boats in shallow water habitats may result in illegal propeller dredging. Best management practices that can be employed to minimize the risk of propeller dredging include:
  - 1. Using an auxiliary motor for ingress and egress; and
  - 2. Using power trim and tilt for ingress and egress; and
  - 3. Limiting the size and horsepower of boats and boat motors if an auxiliary motor or power trim and tilt are not available; and
  - 4. Scheduling boat usage to coincide with high tides; and
  - 5. Using a vessel with a draft limited to 12 inches or less; and
  - 6. Only using boat lifts in areas where water depths exceed two feet at mean low water.
- 13. The Licensee shall not perform any dredging from March 1st and October 15th of any year to minimize impacts to spawning anadromous and resident fish.
- 14. The Licensee shall not perform any dredging from April 15th through October 15th of any year to protect submerged aquatic vegetation.

# **STATEMENT OF NECESSITY & CITATIONS**

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 Condition 4: The Certificate Holder shall remove an existing pier and associated structures prior to the commencement of the construction of a new pier.

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

8. Statement of Necessity for Special Conditions 5, 6, & 9 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)

9. Statement of Necessity for Special Conditions 7: The condition is necessary to ensure that no dredged material will result in a violation of water quality standards for turbidity and interfere with designated uses.

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, 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 26.24; COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2)

10. 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

11. Statement of Necessity for Special Condition 10 & 11: 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

12. Statement of Necessity for Special Condition 12: The condition is necessary to ensure no propeller dredging occurs results in water depths which are not 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 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B

13. Statement of Necessity for Special Condition 13 & 14: A time of year restriction condition is necessary to maintain the designated use for support of estuarine and marine aquatic life.

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.

### **CERTIFICATION APPROVED**

D. Lee Currey, Director Water and Science Administration May 27, 2025

Date

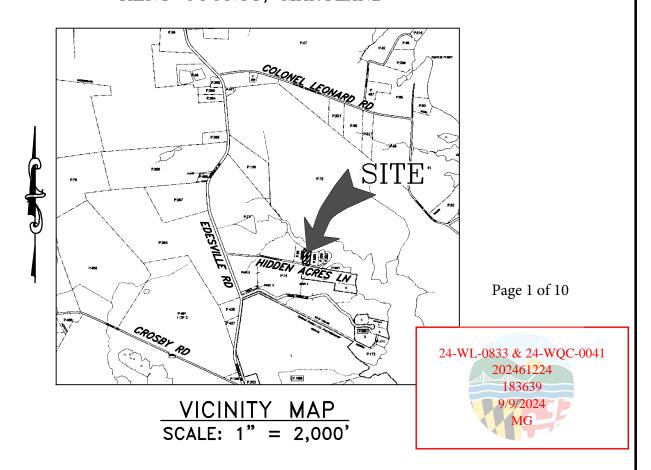
Tracking Number: 202461224 Agency Interest Number: 183639

Effective Date: May 12, 2025

Enclosure: Plan Sheets dated September 9, 2024

WSA Inspection & Compliance Program Army Corps of Engineers cc:

# DREDGING PERMIT DRAWINGS PREPARED FOR DAYL BAILE & MELISSA BAILE IN THE FIFTH ELECTION DISTRICT KENT COUNTY, MARYLAND



ENGINEER

Lane Engineering, LLC

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

#### OWNER/DEVELOPER

DAYL BAILE MELISSA BAILE P.O. BOX 656 ROCK HALL, MD 21661 (215) 880-2594

### PROJECT LOCATION

22506 HIDDEN ACRES LANE ROCK HALL, MD 21661

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	07/30/24	DSR				
MDE & USACE SUBMITTAL	09/09/24	DSR				

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## TITLE SHEET

ON THE LANDS OF DAYL BAILE & MELISSA BAILE ROCK HALL, MARYLAND

IN THE FIFTH ELECTION DISTRICT, KENT COUNTY
TAX MAP 51, GRID 3E, PARCEL 35C

## <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

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### LEGEND & ABBREVIATIONS

MHW MEAN HIGH WATER (APPROXIMATE)
MLW MEAN LOW WATER (APPROXIMATE)

PROPERTY LINE

EXISTING MAJOR CONTOUR

EXISTING MINOR CONTOUR

PROPOSED MAJOR CONTOUR

PROPOSED MINOR CONTOUR

APPROXIMATE TREE LINE

LIMIT OF TIDAL WETLANDS

TIDAL WETLANDS

SPOT ELEVATION/SOUNDING

APPROXIMATE LOCATION OF SEPTIC SYSTEM 

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24-WL-0833 & 24-WQC-0041 202461224 183639 9/9/2024 MG

Page 2 of 10

### PROJECT NOTES

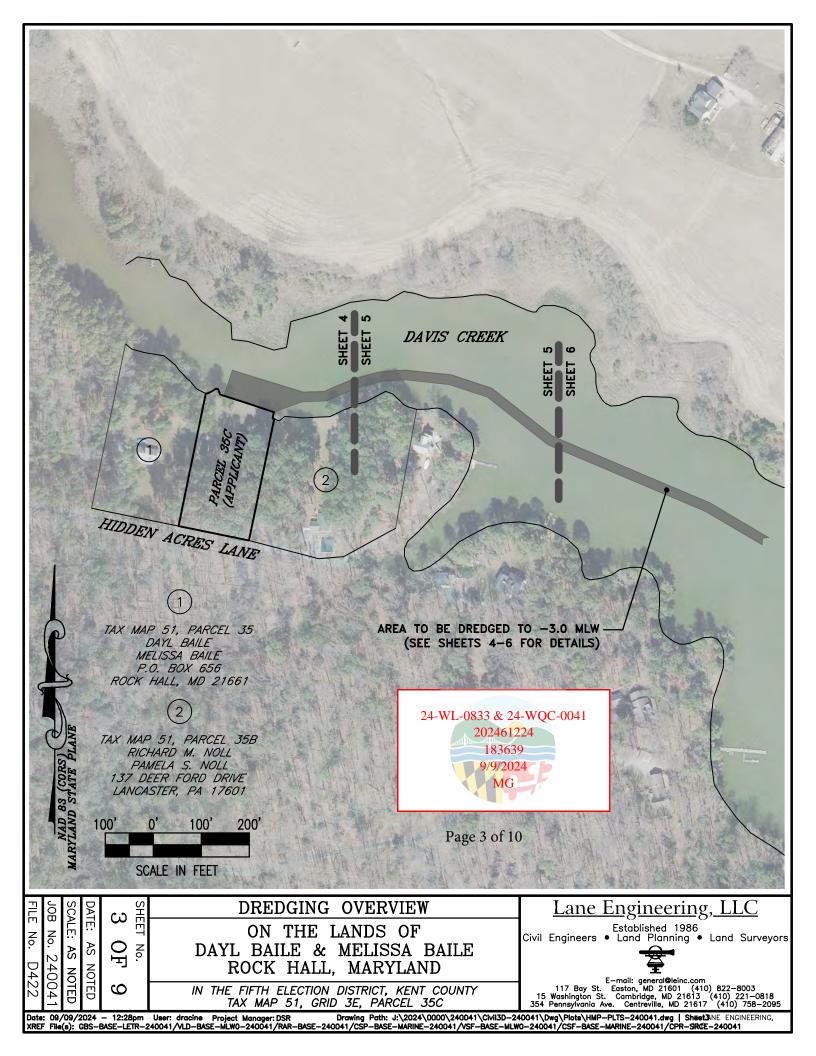
APPROXIMATE LOCATION OF WELL

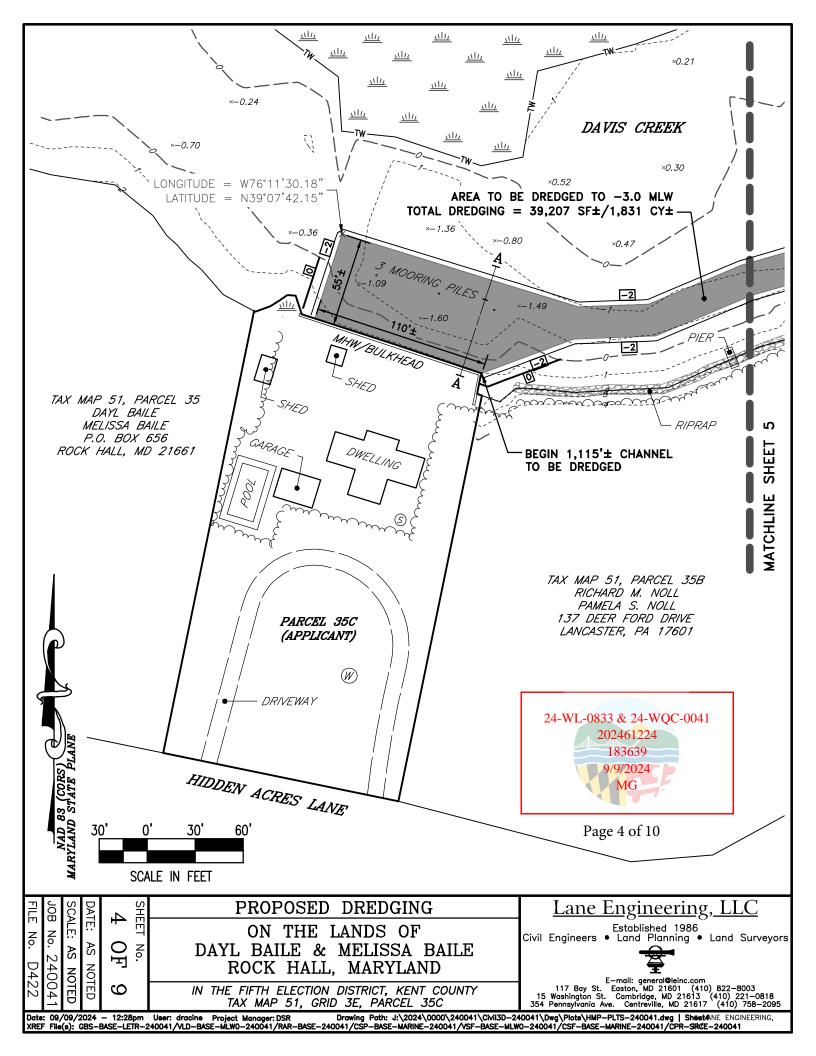
- 1. THE PROPERTY BOUNDARIES SHOWN HEREON WERE COMPUTED PER AVAILABLE DEED AND PLAT RECORDS, A BOUNDARY SURVEY WAS NOT COMPLETED. SOUNDINGS AND EXISTING SHORELINE FEATURES SHOWN HEREON WERE SURVEY LOCATED BY LANE ENGINEERING, LLC IN APRIL, 2024.
- THESE DRAWINGS ARE FOR PERMIT PURPOSES ONLY AND ARE NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.

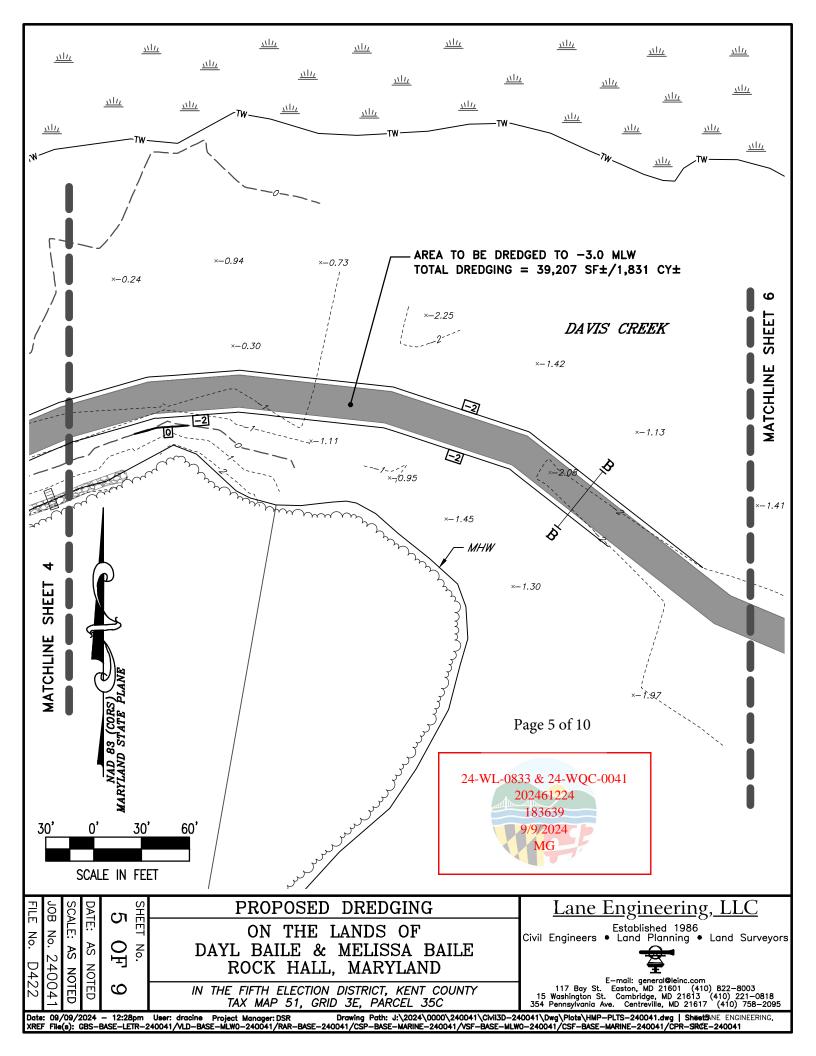
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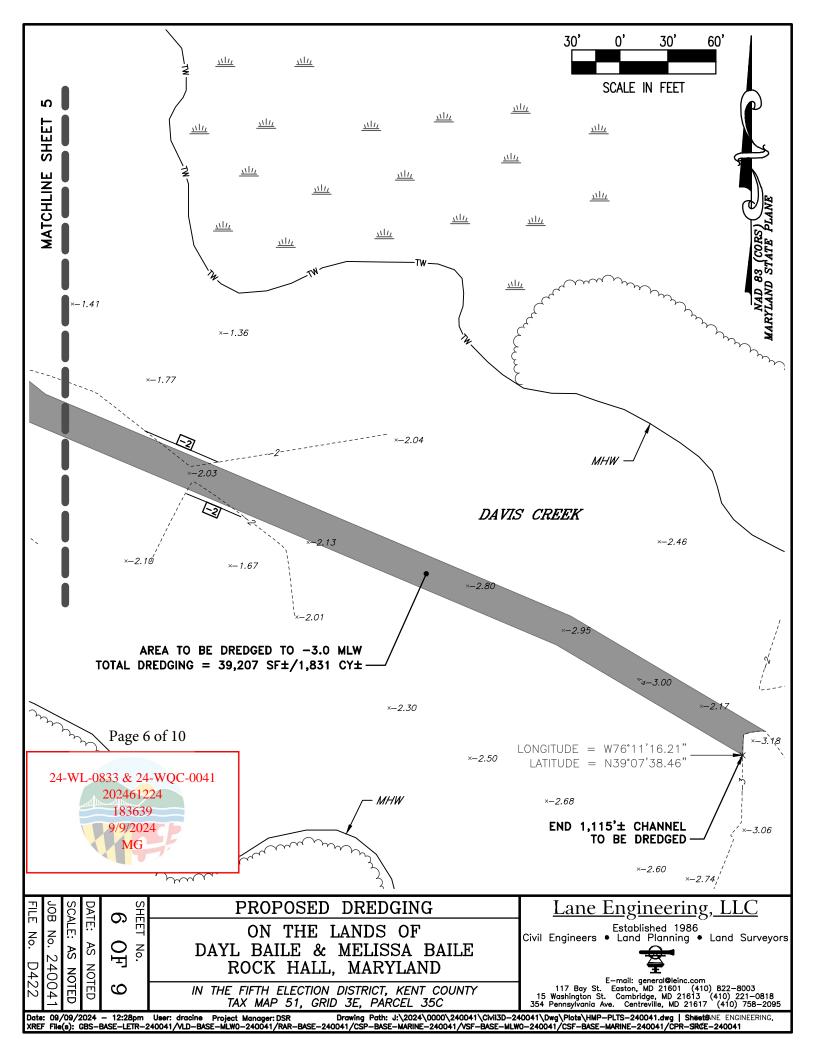
- TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENVIRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
- 4. UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER = 0.0'.
- 5. MEAN TIDAL RANGE = 1.559' (PER NOAA VDATUM)
- 6. LOT SIZE = 1.36 AC $\pm$  (PER SDAT)
- 7. ZONING CLASSIFICATION = CAR (CRITICAL AREA RESIDENTIAL)
- 8. 911 ADDRESS = 22506 HIDDEN ACRES LANE ROCK HALL, MD 21661

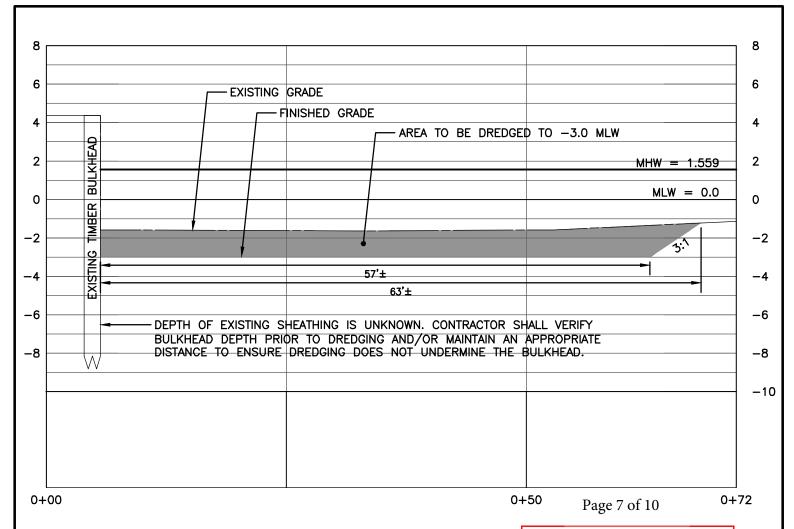
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	ROCK HALL, MARYLAND	<b>∃£</b> E−mail: general <b>©</b> leinc.com
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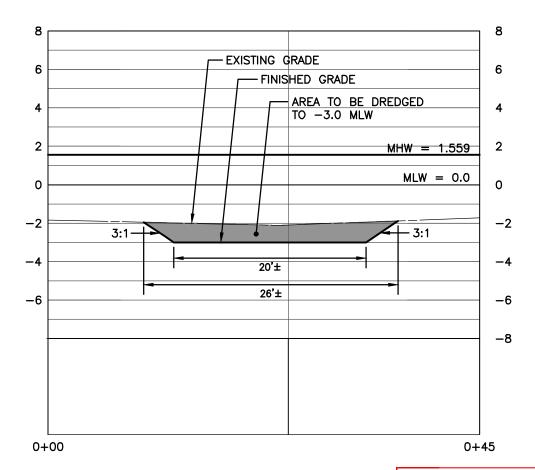




SECTION A-A
HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 5'

24-WL-0833 & 24-WQC-0041 202461224 183639 9/9/2024 MG

JOE SCA	DETAILS	<u>Lane Engineering, LLC</u>	
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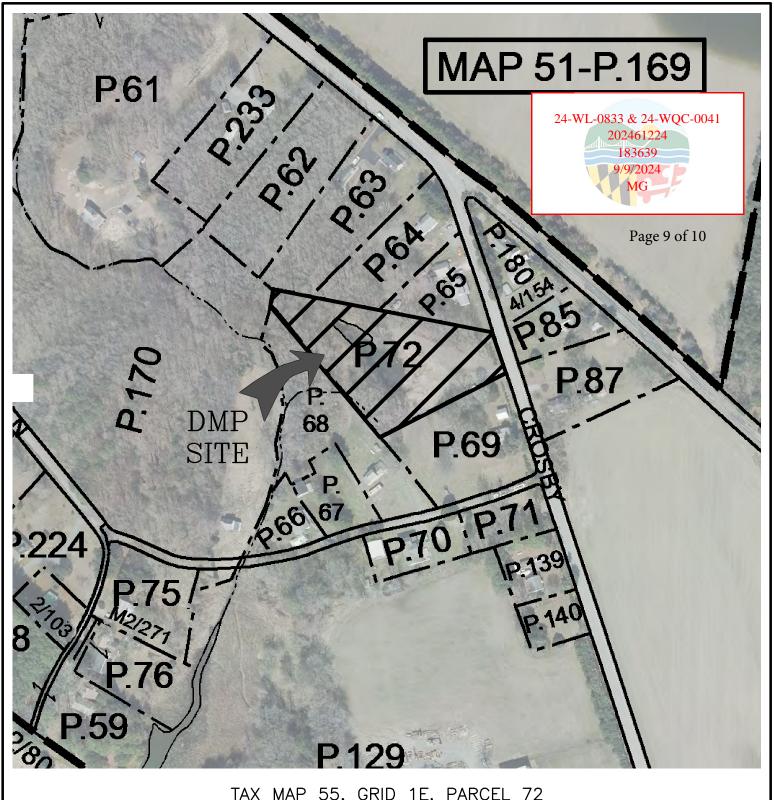
SECTION B-B

HORIZONTAL SCALE: 1" = 10' VERTICAL SCALE: 1" = 5'



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TAX MAP 55, GRID 1E, PARCEL 72 CROSBY ROAD ROCK HALL, MD 21661

DREDGE MATERIAL PLACEMENT SITE

ON THE LANDS OF

DAYL BAILE & MELISSA BAILE

ROCK HALL, MARYLAND

IN THE FIFTH ELECTION DISTRICT, KENT COUNTY
TAX MAP 51, GRID 3E, PARCEL 35C

Lane Engineering, LLC

Civil Engineers • Land Planning • Land Surveyors

Established 1986

Civil Engineers • Land Planning • Land Surveyors

Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors

117 Boy 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