

CA 706-05 Fedrigault, Yves
SUB 05-11-44

MSA-S-1829-4880

Comments illislos-ker
Revised 12/25/05-ker

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

December 19, 2005

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: MSD-05-11-44 Yves Fedrigault-Revised
(Tax Map 44, Parcel 77)

Dear Ms. Vidotto:

This letter is in response to our continuing review of the above referenced revised subdivision. Under the provisions set forth within COMAR 27.03.02, the Commission may request additional information from the local approving authority at any time if it is necessary for accurate evaluation of the proposed action. Based on this provision, please provide the Commission with a revised site plan and/or any comments submitted by the applicant, as well as any supporting materials which provide resolution to the outstanding issues below.

- 1) This office has significant concerns regarding the ability of the subdivision to remain within the 15% impervious surface area limit. While the applicant has stated that the actual square feet per lot will be established at the final plat stage, we strongly recommend that this be a requirement of preliminary approval. Specifically, it is my understanding that the County will require RD14-A to be included within the impervious surface area calculations, in addition to the inclusion of the 30' private lane. As a result, the total available impervious surface area for the lots appears to be 6,100, or approximately 1,525 square feet per lot. The inclusion of this limitation on the site plan is important in order to demonstrate that development of the subdivision is feasible within the applicable impervious surface limits.
- 2) In addition to comment #1, no information has been provided regarding the existing impervious surface area on the property. Please have the applicant include this information on the plat. If the existing structures are to remain, they must also be included within the impervious surface area calculations. If they are to be removed, this should be stated.
- 3) As previously stated, this office has not yet received notification of an evaluation of the property by the Department of Natural Resources' (DNR) Wildlife and Heritage Division. Please provide this office with a copy of the DNR letter once it is obtained. Should any rare, threatened or

Olivia Vidotto
Fedrigault Subdivision
December 19, 2005
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endangered species be identified by DNR, the applicant will be required to submit a habitat protection plan which addresses any recommendations made by DNR.

- 5) The soils map included indicates that the property contains significant areas of highly erodible soils (Keyport and Mattapex series). The applicant's response to this comment indicates that the County has issued a waiver to the expanded slope requirement for highly erodible soils. If this waiver was issued, and a determination was made stating that the proposed development will not impact streams, wetlands, or other aquatic vegetation, please provide the Commission with a copy of this decision and/or waiver.

Thank you for the opportunity to provide comments for this revised subdivision plat. Please provide Commission staff with a revised plat or letter which addresses the above comments. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA706-05

CC: John Swartz, Calvert County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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November 15, 2005

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: MSD-05-11-44 Yves Fedrigault
(Tax Map 44, Parcel 77)

Dear Ms. Vidotto:

This letter is in response to the above referenced subdivision. The applicant is proposing to subdivide a 1.75-acre property to create four new residential lots within the Critical Area. The property is designated a Limited Development Area (LDA) and is currently developed with a primary dwelling and an accessory shed structure.

Based on our review of the current revised site plan, we provide the following comments.

- 1) It is not clear where the tidal and non-tidal wetland limits were derived from. Tidal and non-tidal wetlands must be field delineated and cannot be taken from wetland maps. Please provide clarification as to whether delineation has been provided at this time.
- 2) No information has been provided regarding the proposed impervious surface area for the subdivision. Please advise the applicant that while each lot is permitted a 25% impervious surface area limit, the subdivision as a whole may not exceed 15% (10,251 square feet). We note that the private lane and driveways must be included within the impervious surface area calculations for the subdivision. Based on this information, please have the applicant provide information on the plat regarding the proposed impervious surface area for the subdivision and resulting lots.
- 3) The applicant will be required to obtain an evaluation of the property by the Department of Natural Resources' Wildlife and Heritage Division for the presence of any rare, threatened, or endangered species. If present, the applicant will be required to address any recommendations made by DNR for the protection of the species. At this time, this office has not received notification of this evaluation having been completed.
- 4) Please have the applicant provide clarification as to how the County's slope expansion language has been implemented or interpreted. It appears that the northern portion of the property contains steep slopes where the 100-foot Buffer line falls (contrary to the line shown on the plat). It is not

Olivia Vidotto
Fedrigault Subdivision
November 15, 2005
Page 2

clear whether the Buffer shown represents that which is required by the County's ordinance. In addition, is not clear whether the topography shown was field run, and therefore accurate. Further information is needed.

- 5) The soils map included indicates that the property contains significant areas of highly erodible soils (Keyport and Mattapex series). As the County's ordinance requires expansion of the Buffer for contiguous highly erodible soils whose development may impacts streams, wetlands, or other aquatic environments, please have the applicant provide a plat that shows an expanded Buffer where appropriate, a plat showing that the highly erodible soils are not contiguous with the Buffer, or a formal waiver from the County verifying that the proposed development will not impact streams, wetlands, or other aquatic environments.
- 6) While the site does appear to contain 15% forest cover, we note that note # 11 is accurate. As the site lies within the Critical Area, it is not exempt from the 15% afforestation requirement (Per Section 8-3.02.B). Please have the applicant remove this note from the plat.

Thank you for the opportunity to provide comments for this subdivision request. Please provide Commission staff with a revised plat or letter which addresses the above comments. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA706-05

CC: John Swartz, Calvert County

CA 706-05

R. A. BARRETT & ASSOCIATES INC.

100 JIBSAIL DRIVE, SUITE 103
Prince Frederick, Maryland 20678
Phone (410) 257-2255, (301) 855-5554
Fax (410) 257-3782

November 21, 2005

Attention: Ms. Olivia Vidotto
Calvert County Planning & Zoning
Prince Frederick, Md. 20678

Re: Fedrigault Property MSD 05-11-44
Critical Area Comments

Dear Ms. Vidotto

The purpose of this letter is to address the Critical Area Commission comments on the above referenced subdivision application and plan. Below I will address the items within the November 15, 2005 CAC Letter:

Item #1.) 2 Copies of the Wetland Delineation and Approved Jurisdiction Determination along with stamped / approved location drawings were attached to the Preliminary Subdivision submittal. One additional copy of the J.D and approved wetland location survey are attached.

Item # 2.) We acknowledge that a 15% Impervious area limitation is in effect for the site. We are going to establish the actual square feet per lot on the final plat.

Item #3.) Calvert County Planning & Zoning submits directly to DNR and has noted so on the November 15, 2005 comments.

Item #4.) The topography for the subject property as shown on the plan is field run topography. The buffers as shown on the plan have been modified slightly based on the off-site Tidal wetlands as shown on the approved Jurisdictional Determination. I apologize that the source of topography was not designated within the general notes as it typically is done. The plan has been revised to state the source of the topography.

Item #5.) The County has previously determined that development on soils with a K-Factor of 0.35 does not require an expansion of the Critical Area Buffer if the slopes are less than 15%. Additional Sediment and Erosion Control methods and devices will be required in this case. The Critical Area is requesting a formal waiver from the County

*Kenzie -
if you want
to see what
they comment, #
ask them to cc
you on all
letters*

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?

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verifying that the development will not impact the streams, wetlands or other aquatic vegetation.

Item #6.) The site has 15% existing forest cover. No afforestation should be required unless some of the existing forest cover is removed. The site is exempt from the Calvert County Forest Conservation requirements.

Attached to this letter are 4 copies of the revised Preliminary Subdivision Plan for your use, review and distribution.

Respectfully

A handwritten signature in cursive script, appearing to read "Randy Barrett", written in dark ink.

Randy A. Barrett

MEMORANDUM

Date: January 23, 2006

To: Olivia Vidotto

From: Dave Brownlee

Re: MSD 05-11-44, Yves Fedrigault-Revised

Critical Area:

As zero forest area is to be removed, the BRLs shall be revised to concur with the tree-line and a note should be added to the plat that no forest area is to be remove during development of the lots and private lane. Alternatively, provide clearing limits for each lot.

Expand the buffer 25 ft (as shown on the attached plat) in areas of highly erodible soils that are adjacent to the Critical Area Buffer. Add a note to the plat that super silt fence and erosion control matting or sod shall be required in developing the lots.

Show the lateral line setbacks for recordation as requested by P&Z environmental memo dated 11-9-05.

cc. Kerrie Gallo, Critical Area Commission Staff

CRITICAL AREA FORM

Please fill in the appropriate blanks or check box the appropriate answer if the property is in the Critical Area (all land within 1,000 feet of the Mean High Water Line of the Chesapeake Bay, it's tributaries or the landward boundary of an adjacent wetland is considered to be within the Critical Area).

Your application for development will not be considered complete until the following form has been filled out and submitted to the Department of Planning and Zoning.

Owners Name: <u>YVES FEDRIGAUULT + DOLORES HOMAN</u> Telephone: _____
Address: <u>15 PRIMROSE POINT, SEDONA, AZ 86336</u>
Location of Property to be developed <u>14160 DOWELL RD.</u> <u>DOWELL, ID, 20629</u>

Tax Map#: 44 Parcel #: 77 Lot#: _____ Grid#: _____

1. Tax ID #: 01-005251

2. Subdivision Name: FEDRIGAUULT PROPERTY

3. Property is designated: Intensely Developed (IDA)
 Limited Developed (LDA)
 Resource Conservation (RCA)

To find out what your property is designated, consult the Critical Area Map in the Department of Planning and Zoning.

4. Type of development being proposed. Check all that apply.

Residential Redevelopment Commercial
 Industrial Mixed

5. Project category

Existing Lot Subdivision which creates buildable lots
 Site Plan Subdivision which does not create buildable lots

6. Total acreage of property: 1.75 AC. ±

7. Total acreage of property within the Critical Area
IDA _____ LDA 1.75 Ac. ± RCA _____

8. Total acreage being disturbed within the Critical Area 0 Ac.

SUBDIVISION

9. Number of lots to be created in the Critical Area 4

10. Number of dwelling units to be created in the Critical Area 4

11. Minimum lot size in the Critical Area 0.254 Ac. ±

12. Maximum lot size in the Critical Area 0.492 Ac. ±

13. Average lot size in the Critical Area 0.392 Ac. ±

14. Linear length of waterfront in feet of original parcel 126.58' ±

15. Is this an intrafamily transfer? Yes No

16. If a subdivision, is cluster development being used? Yes No

If yes, how many acres of open space will be created by the clustering?

17. If a subdivision, how many acres of recreation area will be provided? NONE (MINOR SUB. N/A)

GROWTH ALLOCATION

18. Is use of the growth allocation necessary Yes No

19. How many acres of growth allocation are you requesting?

20. Are all non-water dependent uses more than 300 feet from the water? Yes No

STAFF USE ONLY

21. Number of acres of growth allocation approved _____

WETLANDS

22. Identify wetlands (tidal and non-tidal rivers, bays, streams, marshlands, swamps, bogs, etc.), hydric soils and highly erodible soils on plat.

23. Is site adjacent to or does it include within its boundary any tidal waters or wetlands or non-tidal streams that are tributaries to tidalwaters? Yes No

If yes, identify wetland buffer on plat according to section 8-2.03A (Floodplain), 8-2.05A, C and D (Wetlands) of the Zoning Ordinance.

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CRITICAL AREA COMMISSION

24. Is site adjacent to or does it include within its boundary any non-tidal waters or wetlands? Yes No
If yes, identify wetland buffer on plat according to section 8-2.05D (Wetland Buffer)

25. Is any disturbance to the buffer proposed? Yes No
If yes, then either a Buffer Management Permit or a variance may be necessary

FOREST LAND / BUFFER

26. Is site within a Buffer Exempt area? Yes No

If yes, what is the shortest distance between mean high water and any existing structure on adjacent lots or parcels?

27. Is the following shown on plat? Yes No

Identify vegetated areas (marshes, forests) on plat.

- a. How many acres of site are covered by forest? 0.266 Ac.
- b. How many acres of forest are proposed for clearing? 0 Ac.
- c. How many acres of forest will be replanted on site? 0 Ac. (LDA and RCA only).

A maximum of 30% of the forest can be removed though replantings and/or Fees-in-Lieu shall be required.

28. 15% or greater of the site covered with forest? Yes No

(LDA & RCA only) 15% of the site shall be maintained or planted in trees and this fact shall be recorded with the record plat. How many acres will be replanted? 0.00 Ac.

if .266 then it is

29. Does the site have slopes greater than or equal to 15% Yes No

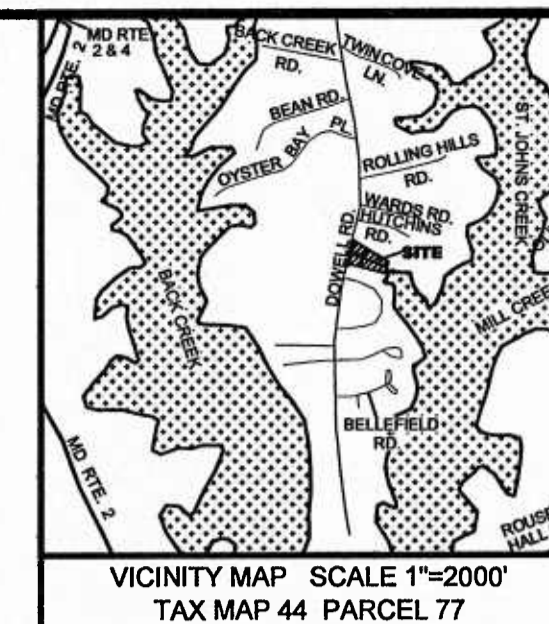
(LDA & RCA only) Slopes greater than or equal to 15% shall be shaded on the plat and development shall be prohibited in these areas (section 8-2.07 Steep Slopes)

- 1.) Deed Reference : K.P.S. 1965/359, July 2, 2003
- 2.) 100 Year Flood Plain exists within this site as per FEMA Panel # 240011-0032B.
- 3.) All Lots Shown Hereon shall be restricted to interior subdivision street access.
- 4.) Number of Conventional Lots = 1
- 5.) Number of TDR Lots Proposed = 3
- 6.) Total Number of Lots = 4
- 7.) Number of TDR's Required = 15
- 8.) Average Lot Size = 0.392 Acres
- 9.) Minimum Lot Size = 0.254 Acres
- 10.) Forested Area = 0.266 Acres 15% of site
- 11.) Forest Retention Required = EXEMPT Per Section 8-3.02.B (LDA)
As per Section 8-1.03.G.d.v - this site meets the 15% existing forest cover requirement.
- 12.) Building Restriction Lines :
Front = 15', Side = 6', Rear = 20'
- 13.) This site is located within the Solomons Town Center, Subdistrict E-3
- 14.) This site is located within the Critical Area (LDA zone)
- 15.) The topography shown hereon is Field Run by R.A. Barrett & Associates in 2005.
- 16.) Total Lot Area = 1.569 Ac.
Total Private Lane = 0.066 Ac.
Total RD 14-A = 0.058 Ac.
Total Widening Strip = 0.058 Ac.
Total = 1.751 Ac.

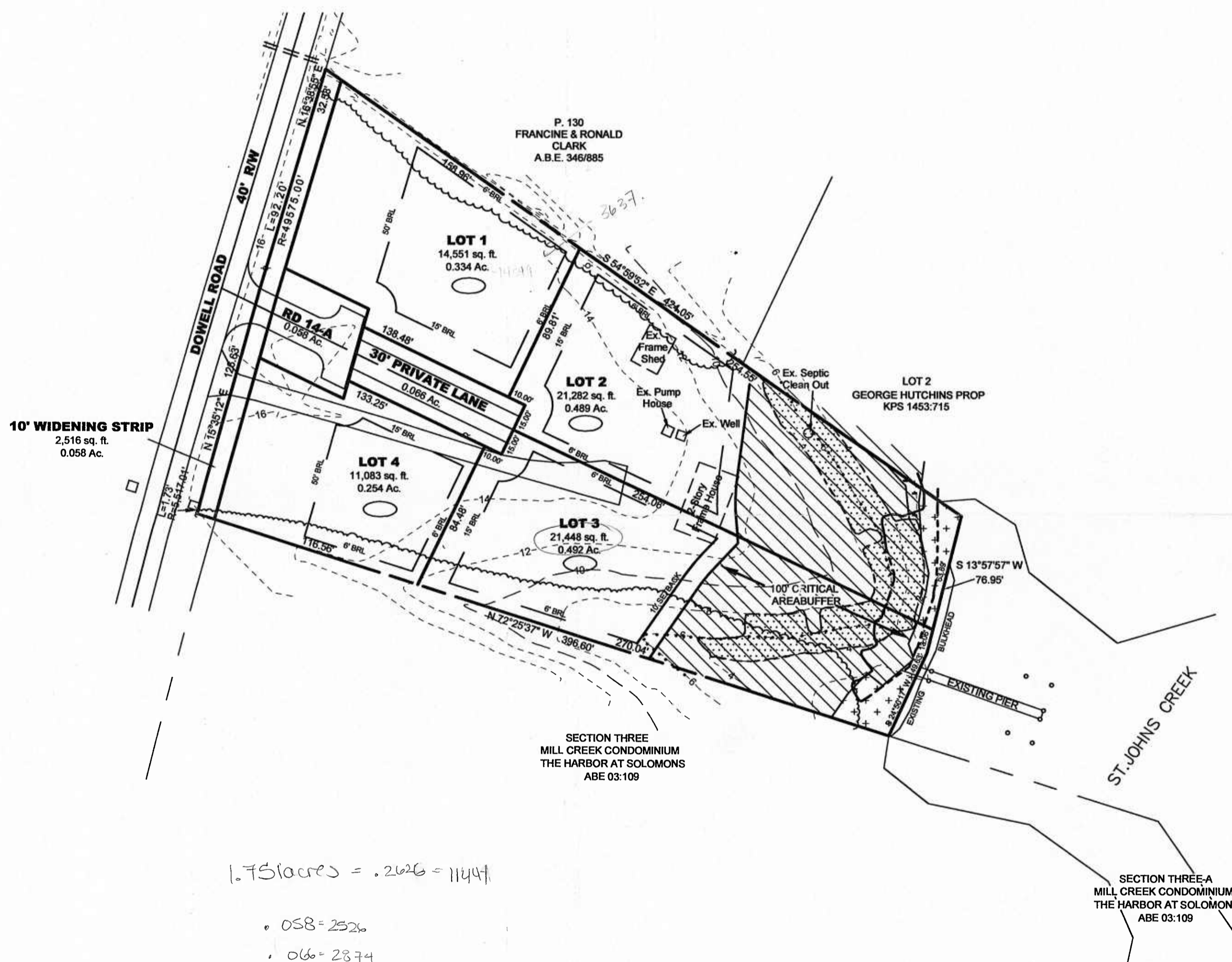
OWNERS:
Yves Fedrigault & Delores Homan
15 Primrose Point
Sedona, AZ 86336

APPLICANT:
Vista L.L.C.
P.O. Box 928
California, MD 20619

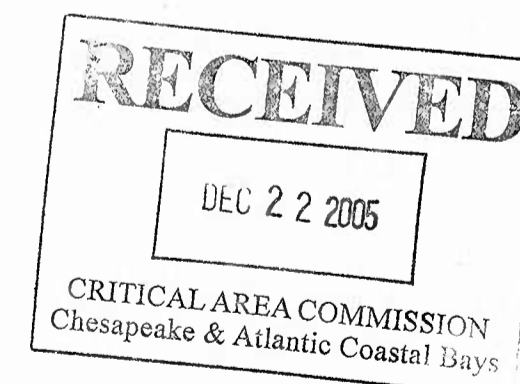
- LDA CRITICAL AREA NOTES**
- 1.) Total Forested Area = 0.266 Acres
Total Forested Area to be cleared = 0.00 acres
 - 2.) Per Section 8-1.03.G.f of the Zoning Ordinance, for stormwater runoff, man-caused impervious areas shall be limited to 15% of the subdivision to be developed. The total allowable man-caused impervious area for the parcel is 11,441 Sq.Ft. (Total). The impervious area may be increased to 25% per individual Lot as long as the total impervious area for the parcel does not exceed 15%.
 - 3.) All existing impervious surfaces shall be removed. (House, Driveway, Shed, & Pump House)
 - 4.) Total Impervious surface allowed: (1.751 Ac. x 15%) = 11,441 Sq.Ft.
Total RD-14A impervious area: 1,246 Sq.Ft.
Total Private Lane impervious area: 1,538 Sq.Ft.
11,441 Sq.Ft. - (1,246 Sq.Ft.+1,538 Sq.Ft.) = 8,657 Sq.Ft.
Total impervious area allowed for Lots 1-4: 8,657 Sq.Ft.
 - 5.) Impervious surface area by Lot:
Lot 1 : 2,000 sq.ft. (14%)
Lot 2 : 2,328.5 sq.ft. (11%)
Lot 3 : 2,328.5 sq.ft. (11%)
Lot 4 : 2,000 sq.ft. (18%)
Total: 8,657 Sq.Ft.



- LEGEND**
- Denotes assigned house number
 - Denotes conservation areas Steep Slopes 15% or greater
 - Denotes non-tidal wetlands
 - Denotes Tidal Wetlands
 - Denotes Critical Area Buffer
 - Denotes Limit Of 100 Year Flood Plain
 - Denotes Building Restriction Line



1.751 acres = .2626 = 11441
 • 058 = 2526
 • 066 = 2874

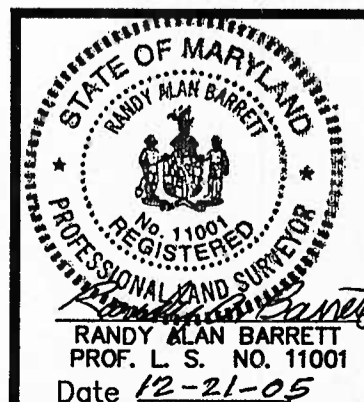


PLANNING AND ZONING CASE NO.: MSD 05-11-44

HEALTH OFFICER'S CERTIFICATION

This subdivision satisfies the requirements of the Maryland Department Of The Environment regulation 26.04.02 allowing for the construction of community water systems and community sewerage systems for homes and other establishments, and it is in conformance with the current County water and sewerage plan for water planning category W1 and sewerage planning category S1.

HEALTH DEPARTMENT
Date _____
Health Officer _____
Dir. Env. Health _____
Sanitarian _____



R. A. BARRETT
ASSOCIATES, INC.
 ENGINEERS & SURVEYORS
 100 JIBSAIL DR., SUITE 103
 PRINCE FREDERICK, MD 20678
 410-257-2255 301-855-5554 FAX: 410-257-3782

PRELIMINARY PLAN

TAX MAP: 44
 PARCEL: 77

FEDRIGAUPT PROPERTY

LOTS 1-4
 SITUATED ON DOWELL RD. IN DOWELL
 FIRST ELECTION DISTRICT, CALVERT COUNTY, MARYLAND

DATE	12/21/05
SCALE	1"=50'
DRAWN BY	C.J.M.
DRAWING #	CC2457PRE
FILE #	CC2457
JOB #	08265



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
10 SOUTH HOWARD STREET
BALTIMORE, MARYLAND 21201

JAN 03 2003

REPLY TO
ATTENTION OF:
Operations Division

Day LLC
c/o McCarthy and Associates, Inc.
14458 Old Mill Road #201
Upper Marlboro, Maryland 20772

Gentlemen:

This is in reference to your letter dated October 4, 2002, regarding application CENAB-OP-RMS(DAY LLC/JD)03-60190-4, requesting a jurisdictional determination (JD) and verification of the delineation of Waters of the United States of Mill Creek, including jurisdictional wetlands, on your property located at Solomon Landing, Calvert County, Maryland.

A field inspection was conducted on November 5, 2002, by Ms. Sandy Zelen. This inspection indicated that the delineation of Waters of the United States, including jurisdictional wetlands, on the drawing enclosed with your request dated December 19, 2002, is accurate as noted on the enclosed maps dated November 14, 2002. Those areas indicated as Waters of the United States, including tidal or non-tidal wetlands are regulated by this office pursuant to Section 10 of the River and Harbor Act of 1899 and/or Section 404 of the Clean Water Act. Enclosed is a document that outlines the basis of our determination of jurisdiction over these areas.

Please note that on March 28, 2000, an administrative appeals process was established for JDs. Enclosed is a JD appeals form that can be used if you believe the JD you received warrants further review. You may accept this JD, submit new information seeking reconsideration of the JD or appeal the JD. If you accept the JD, you do not need to notify the Corps. A JD will be reconsidered if you submit new information or data to the Baltimore District Engineer (DE) within 60 days from the date of this letter. If you decide to appeal the approved JD, please submit the attached form within 60 days from the date of this letter to our Regulatory Appeals Review Officer at the following address:

James W. Haggerty
Regulatory Appeals Review Officer
North Atlantic Division, US Army Corps of Engineers
Fort Hamilton Military Community
General Lee Avenue, Bldg 301
Brooklyn, NY 11252-6700

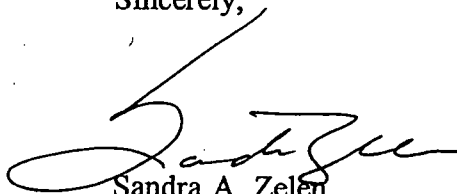
If we do not hear from you within 60 days, we will consider this JD accepted by you. This approved JD is valid for five years from the date of issuance unless new information warrants a revision before the expiration date.

You are reminded that any grading or filling of Waters of the United States, including jurisdictional wetlands, is subject to Department of the Army authorization. State and local authorizations may also be required to conduct activities in the locations. In addition, the Interstate Land Sales Full Disclosure Act may require that prospective buyers be made aware, by the seller, of the Federal authority over any Waters of the United States, including jurisdictional wetlands, being purchased.

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA (United States Department of Agriculture) program participants, or anticipate participation in USDA programs, you should request a certified wetland delineation from the local office of the Natural Resources Conservation Service prior to starting work.

If you have any questions concerning this matter, please call Mrs. Kathy Anderson, of this office, at (410) 962-5690.

Sincerely,



Sandra A. Zelen
Enforcement Program Manager

Enclosure

BASIS OF JURISDICTIONAL DETERMINATION

Applicant:
File No.: 200360190

Date: December 30, 2002

1. The jurisdictional determination outlined in the attached letter was based on the following:

A. There are no Waters of the United States present at the site.
 Does not meet any of the items listed below

B. The Waters of the United States present at the site are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce. This includes waters which are subject to the ebb and flow of the tide.

C. The Waters of the United States at the site are interstate waters, including interstate wetlands.

D. The Waters of the United States at the site are other waters such as intrastate lakes, rivers, streams (including intermittent streams, mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds containing a nexus to interstate commerce).

The nexus to interstate commerce consists of:

- recreational or other purposes
- fish or shellfish
- industrial or commercial purpose
- habitat for migratory birds or game birds or wildlife
- commercial saleable timber products
- sand, gravel, oil, gas or other commodities of commerce
- other _____

E. The Waters of the United States present at the site contain impoundments of waters otherwise defined as Waters of the United States

XXX F. The Waters of the United States present at the site are part of a tributary system to waters identified in B-E above. Mill Creek off Back Creek to the Patuxent River off the Chesapeake Bay.

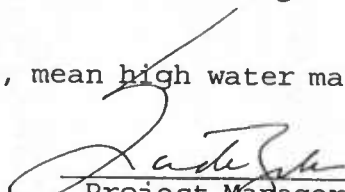
G. The Waters of the United States present at the site are part of the territorial seas.

XXX H. There are wetlands present at the site which are adjacent to waters identified in B-G above.

2. The lateral extent of the Waters of the United States, including wetlands at the site identified on the accompanying map was based on one or more of the following:

XXX A. The presence of wetlands has been determined by the U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual and guidance supporting the manual.

XXX B. Ordinary high water mark, mean high water mark, high tide line, mean high tide line.


Project Manager

Rev Jan 01

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NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Day LLC	File Number: 200360190	Date: JAN 03 2003
Attached is:		See Section Below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Sandy Zelen
Regulatory Branch Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715
(410) 962-6028 or 3670

If you only have questions regarding the appeal process you may also contact:

James W. Haggerty
Regulatory Appeals Review Officer
North Atlantic Division, US Army Corps of Engineers
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, NY 11252-6700
(718) 765-7150

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

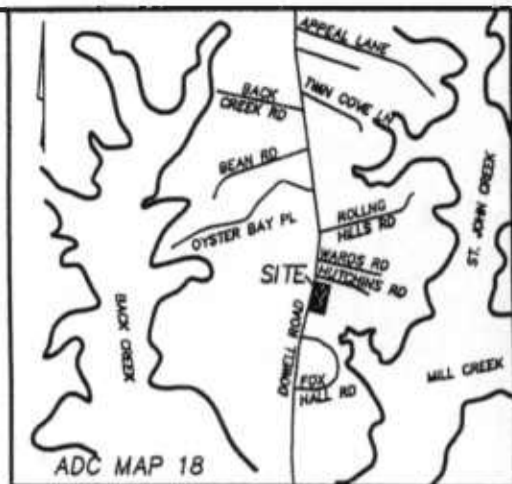
Date:

Telephone number:

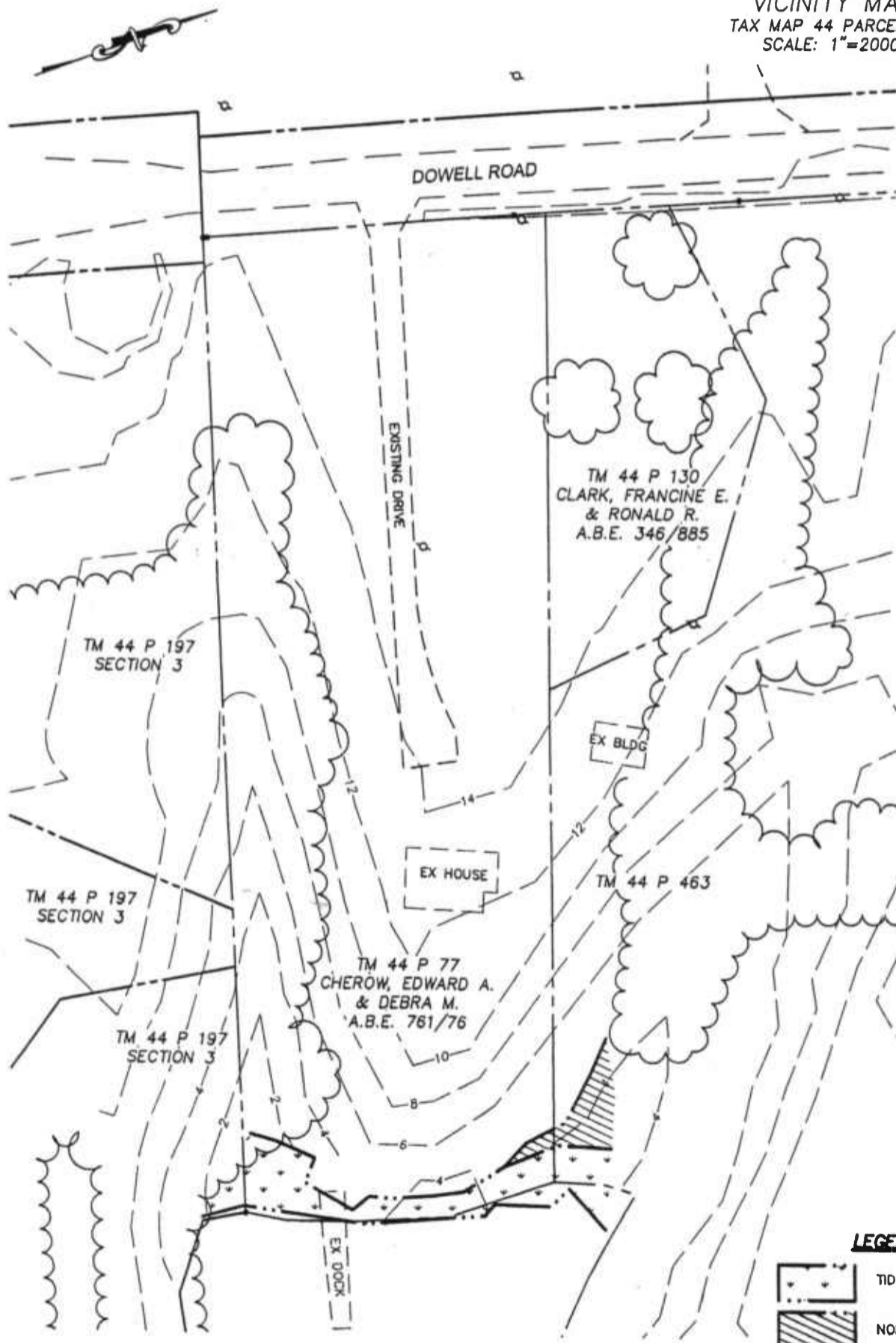
Signature of applicant or agent.

NOTES

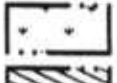


- 1) No boundary survey done for plat preparation lot line, information digitized from Tax Map.
- 2) No field topography done for plot preparation. County topa utilized with 2' contours incorporated.
- 3) Wetlands field delineated by McCarthy & Associates October 2002 & field located by COA October 25, 2002.
- 4) Wetlands delineation subject to US Corps. of Engineers Jurisdictional Delineation (JD) & Shall not be considered final until J.D. is approved.



VICINITY MAP
TAX MAP 44 PARCEL 77
SCALE: 1"=2000'



LEGEND

-  TIDAL WETLANDS
-  NON-TIDAL WETLANDS
-  FLAG LINE

PLAT SHOWING FIELD LOCATION
OF DELINEATED WETLANDS • PROPERTY
LOCATED AT TM. 44 P. 77
FIRST DISTRICT, CALVERT COUNTY, MARYLAND
FOR: DAY, LLC

COA COLLINSON, OLIFF & ASSOCIATES, INC.
Surveyors • Engineers
Land Planners
288 MERRIMAC COURT
PRINCE FREDERICK, MARYLAND 20678
301-855-1599 • 410-535-3101 • FAX 410-535-3103

DRAWN BY _____ TAH
SCALE _____ 1" = 60'
DATE _____ 11-14-02
JOB NO. _____ 1-7038
FOLDER _____ TM.44 G.17 P.77

JURISDICTIONAL DETERMINATION

VERIFICATION MAP

FOR: Day LLC

CENAB-OP-RMS (0360190)

COE SIGNATURE *[Signature]* DATE: 12-30-02

U.S. ARMY ENGINEER DISTRICT, BALTIMORE