

U.S. Army Corps of Engineers

Baltimore District PN-24-29

Public Notice

In Reply to Application Number NAB-2024-60426-P33 (Shady Oaks Marina Improvements)

Comment Period: September 18, 2024 to October 18, 2024

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344),as described below:

APPLICANT:

Shady Oak Marina c/o Mr. Hamilton Chaney 846 Shady Oaks Road West River, Maryland 20778

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in Johns Creek and West River, Anne Arundel County, Maryland (38°49'42.18"N, -76°32'50.00"W).

OVERALL PROJECT PURPOSE:

To provide shoreline erosion control and improve infrastructure to an existing public marina.

PROJECT DESCRIPTION:

The applicant proposes, in accordance with the attached plans, to mechanically dredge to -5.5-feet mean low water with maintenance dredging 51,067 square feet (2,800 cubic yards) and with new dredging 46,958 square feet (4,500 cubic yards) and to deposit the dredged material at an approved upland disposal site located at 370 Deale Road, Deal, Maryland; To replace an existing 523 linear feet wood bulkhead 18" channelward (500 cubic yards); To replace the existing main pier 6-foot-wide by 480-foot-long with a floating dock; to replace nine existing finger piers 3-foot-wide by 45-foot-long with floating docks; to replace one existing finger pier 3-foot-wide by 35-foot-long with floating docks; to replace one existing finger pier 3-foot-wide by

55-foot-long with floating docks; to replace six existing finger piers 3-foot-wide by 51-foot-long with floating docks; to replace one existing "t" head pier 5-foot-wide by 126-foot-long with a floating dock; to replace in kind an existing irregular shaped pier 20-foot-wide by 82-foot-long and tapered pier section 12-foot-wide with 3-foot-wide by 45-foot-long; to replace in kind an existing pier 11-foot-wide by 146-foot-long; to replace in kind an existing "L" shaped pier 4-foot-wide by 101-foot-long; to replace in kind an existing finger pier 3-foot-wide by 26-foot-long; to replace in kind 71 existing mooring piles; to replace in kind an existing metal/wood framed covering for 16 boat slips (17,988 square feet); to replace in kind an existing 23-foot-wide by 75-foot-long wood framed boat house; and to install a 29-foot-long by 4.5-foot-wide stone sill, sand and low marsh plantings; all within a maximum of 210-feet channelward of the mean high water line.

EFFECTS ON AQUATIC RESOURCES:

Proposed Activity	Aquatic Resource	Aquatic Resource	Authority
	Impact (sf)	Type	
Stone Sill	348	Tidal Waters	
Dredging	98,025	Tidal Waters	Section
Bulkhead	785	Tidal Waters	10/404
In-Kind Replacements	30,820	Tidal Waters	
Total:	129,978		

LEAD FEDERAL AGENCY:

The United States Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

As part of the planning process for the proposed project, steps were taken to avoid and minimize impacts to aquatic resources to the maximum extent practicable based on the existing site conditions. The applicant proposes to avoid and minimize impacts by replacing most of the infrastructure in-kind.

No compensatory mitigation is currently proposed. The project would result in the establishment of approximately 156 square feet of tidal low marsh vegetation (spartina alterniflora) with a stone sill.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership and in general, the needs and welfare of the people. The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, United States Environmental Protection Agency.

ENDANGERED SPECIES:

A preliminary review of this application indicates that the proposed work is not likely to adversely affect federally listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

ESSENTIAL FISH HABITAT:

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will have no adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES:

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):

All Section 408 proposals will be coordinated internally at the United States Army Corps of Engineers. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408:

https://www.nab.usace.army.mil/Missions/Regulatory/Section-408-Reguests/.

WATER QUALITY CERTIFICATION:

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

COASTAL ZONE MANAGEMENT PROGRAMS:

Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The applicant must obtain any state or local government permits which may be required.

SUBMISSION OF COMMENTS:

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action and are subject to release to the public through the Freedom of Information Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2023-60426-P33.

PUBLIC HEARING REQUESTS:

Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also, it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected. The public hearing request may be submitted by electronic mail or mailed to the following address:

Ms. Alicia Palmer

<u>alicia.e.palmer@usace.army.mil</u>

United States Army Corps of Engineers, Baltimore District

Regulatory Branch 1631 South Atherton Street, Suite 101 State College, Pennsylvania 16801

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

General information regarding the Corps' permitting process can be found on our website at https://www.nab.usace.army.mil/Missions/Regulatory.aspx. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Ms. Alicia Palmer at (814) 235-1764, or at alicia.e.palmer@usace.army.mil with NAB-2023-60426-P33 in the subject line. This public notice is issued by the Chief, Regulatory Branch.

Disclaimer:

The information shown hereon was taken from several sources including Google Earth aerial photos, Maryland Maps, photographs,tax maps and a site sketch. These sources are are the best available information for marine permitting purposes. This is not a detailed on-site property survey. The owner is not responsible for any inaccuracies associated with the location of above referenced existing features and related latteral lines, setbacks, etc. this sketch is for permit purposes only and is not to be used as an accurate construction document.

Daving School Bay Selby Ch The Bay (Fig. 12)

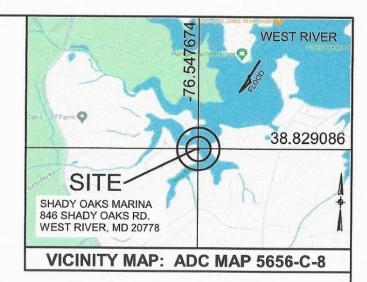
Harwood West River

Shary Side CHESAPEAKE BAY 38.829086

McC SHEWTON STARY SIDE CHESAPEAKE BAY 38.829086

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MCC





NOTES:

- 1. TIDAL WATERS, TIDE RANGE IS +1.0', MAX. DIST, FROM MHW IS 210+-
- 2. ELEVATIONS BASED ON 0 MLW AND THE DNR SURVEY AND HAND SOUNDINGS.
- 3. PROPOSED WORK: FOR A FULL WORK DESCRIPTION SEE SHEET 3.
- 4. ALL ACCESS IS BY WATER.
- 5. THIS DRAWING IS FOR OUTLINE PURPOSES ONLY.

REVISED 3/14/24

ADDED PAGE 20 FOR A SMALL MARSH CREATION AREA ADJACENT TO THE NEIGHBOR ON RIGHT. CHANGED PAGE 3 DESCRIPTION

PROPOSED MARINA IMPROVEMENTS

Doldon W. Moore & Associates, LLC Cell: 443-771-2374

Tidal Wetlands Consultant

and Facilitor
P.O. Box 1
Owings, MD 20736
Email: dwmoorejr@verizon.net
Consulting Services, Permit Facilitation,
Proect Management, Aquaculture,
Habitat Restoration, Expert Testimony

OWNER: SHADY OAKS LLC

MAILING ADDRESS: C/O SHADY OAKS MARINA JTVNT 846 SHADY OAKS RD.

WEST RIVER, MD 20778-9741

SITE ADDRESS: 846 SHADY OAKS RD. WEST RIVER, MD 20778

MAP: 69 GRID: 19 PARCEL: 240 BLK A, LTS 1 TO 4 PT LT5B

DEED REFERENCE: 29048 / 00368

DISTRICT - 07 ACCOUNT NUMBER - 90040469

ZONING: R2 CRITICAL AREA - LDA

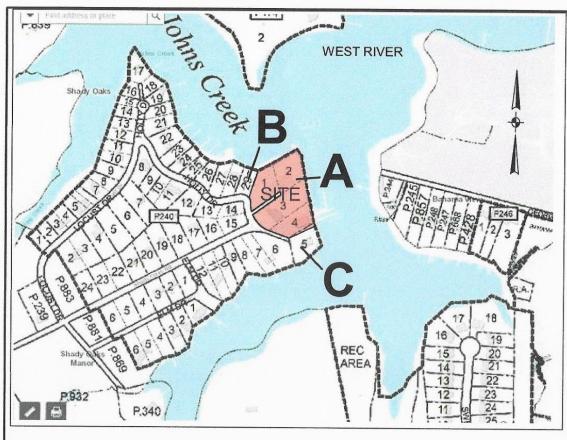
VICINITY MAPS

IN: WEST RIVER
TOWN: WEST RIVER
COUNTY: ANNE ARUNDEL
STATE: MARYLAND

APPL. BY: SHADY OAKS LLC

846 SHADY OAKS RD. WEST RIVER, MD 20778

DATE: REV 3/14/24



APPLICANT: PARCEL 240, BLK A, LOTS 1 TO 4, PART LOT 5 SHADY OAKS LLC 846 SHADY OAKS RD. WEST RIVER, MD 20778

ADJACENT OWNER: PARCEL 240, BLK E, RESERVED LOT BK E SHADY OAKS MANOR INC. C/O DANIEL M. TWONEY 1311 FIDELITY BLDG. BALTIMORE, MD 21201

ADJACENT OWNER: PARCEL 240, BLOCK A, PART LOT 5 BK A
ARTHUR AND JUDITH MENSCH TRUSTEES 847 SHADY OAKS RD.
WEST RIVER, MD 20788

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TOWN: WEST RIVER
COUNTY: ANNE ARUNDEL
STATE: MARYLAND

APPL. BY: SHADY OAKS LLC

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PROPOSED WORK

PROPOSED MARINA IMPROVEMENTS

- 1. TO MAINTENANCE DREDGE AN EXISTING MARINA BASIN AND CHANNEL BY MECHANICAL MEANS TO -5.5' MLW. TOTAL DREDGING IS APPROX. 4,500 CY, 112,312 SF OR 2.57 ACRES. SPOIL MATERIAL SHALL BE TRUCKED IN WATERTIGHT TRUCKS TO THE DMP SITE LOCATED AT 370 DEALE RD., DEALE, MD 20751
- 2. TO REPLACE AN EXISTING WOOD BULKHEAD 523 LF LONG WITH A NEW BULKHEAD 18" MAX. ENCROACHMENT AND BACKFILL WITH APPROXIMATELY 500 CY OF CLEAN FILL.
- 3. TO REPLACE "IN-KIND" EX. MAIN PIER 6' WIDE BY 480' LONG.
- 4. TO REPLACE "IN-KIND" 9 EXISTING FINGER PIERS EACH IS 3' WIDE BY 45' LONG.
- 5. TO REPLACE "IN-KIND" 13 EXISTING FINGER PIERS EACH PIER IS 3' WIDE BY 35' LONG.
- 6. TO REPLACE "IN-KIND" 1 EXISTING FINGER PIER 3' WIDE BY 55' LONG.
- 7. TO REPLACE "IN-KIND" 6 EXISTING FINGER PIERS EACH PIER IS 3' WIDE BY 51' LONG.
- 8. TO REPLACE "IN-KIND" 1 EXISTING "T" HEAD PIER 5' WIDE BY 126' LONG.
- 9. TO REPLACE "IN-KIND" AN EXISTING IRREGULAR SHAPED PIER 20' WIDE BY 82' LONG AND A TAPERED PIER SECTION 12' WIDE TO 3' WIDE BY 45' LONG.
- 10. TO REPLACE "IN-KIND" AN EXISTING PIER 11' WIDE BY 146' LONG.
- 11. TO REPLACE "IN-KIND" AN EXISTING "L" SHAPED PIER 4' WIDE BY 101' LONG.
- 12. TO REPLACE "IN-KIND" AN EXISTING FINGER PIER 3' WIDE BY 26' LONG.
- 13. TO REPLACE "IN-KIND" 71 EXISTING MOORING PILES.
- 14. TO REPLACE "IN-KIND" AN EXISTING METAL ROOF AND WOOD FRAMED COVERING OVER 16 BOAT SLIPS. THE STRUCTURE CAN BE DESCRIBED IN 2 SECTIONS 62' WIDE BY 221' LONG AND 56'-6" WIDE BY 79' LONG TOTAL COVERAGE AREA IS 17,988 SF OR .41 ACRES.
- 15. TO REPLACE "IN-KIND" AN EXISTING WOOD FRAMED BOATHOUSE. THE BOATHOUSE IS 23' WIDE BY 75' LONG WITH A ROOF OVERHANG OF 18" AROUND THE ENTIRE STRUCTURE. IT ALSO HAS A 9' OVERHANG ON THE CHANNEL SIDE. MAKING AN OVERLENGTH OF 86 LF. THE STRUCTURE HAS A SLOPED ROOF THAT IS 17.7' HIGH ON THE FRONT TO 16' HIGH ON THE BACK SIDE AND IT IS 21.5' ABOVE MLW TO THE TOP.
- 16. INSTALL A STONE SILL, SAND AND PLANTINGS. 29' LONG SILL X 4.5' WIDE, 4 CY OF SAND AND 156 SF OF HIGH MARSH

NOTE: DEPTHS SHOWN ON ALL DRAWINGS IS BASED ON A DEPTH SURVEY PERFORMED BY THE MARYLAND DNR ON JULY 7, 2022

Doldon W. Moore & Associates, LLC Cell: 443-771-2374

Tidal Wetlands Consultant and Facilitor P.O. Box 1 Owings, MD 20736 Email: dwmoorejr@verizon.ne

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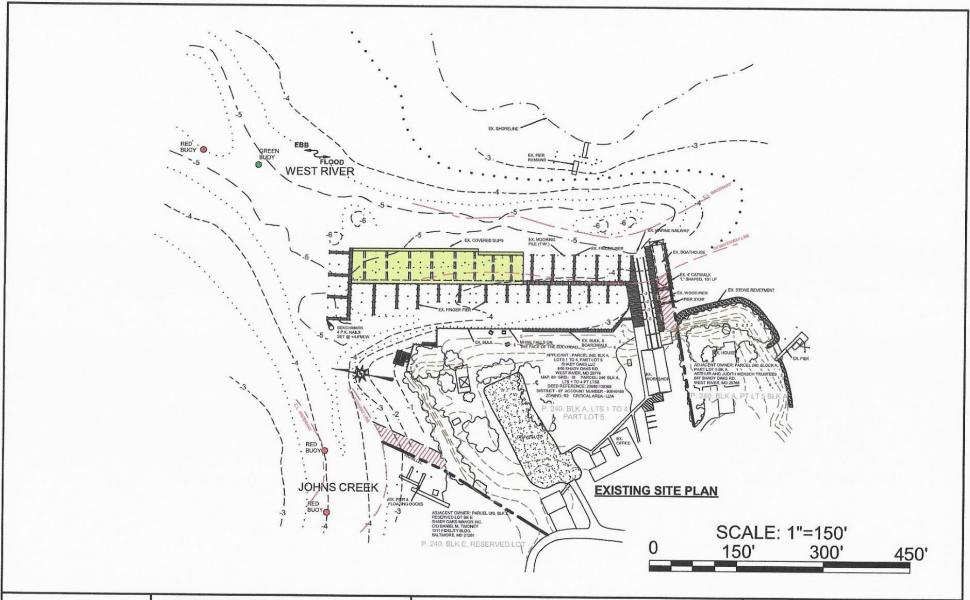
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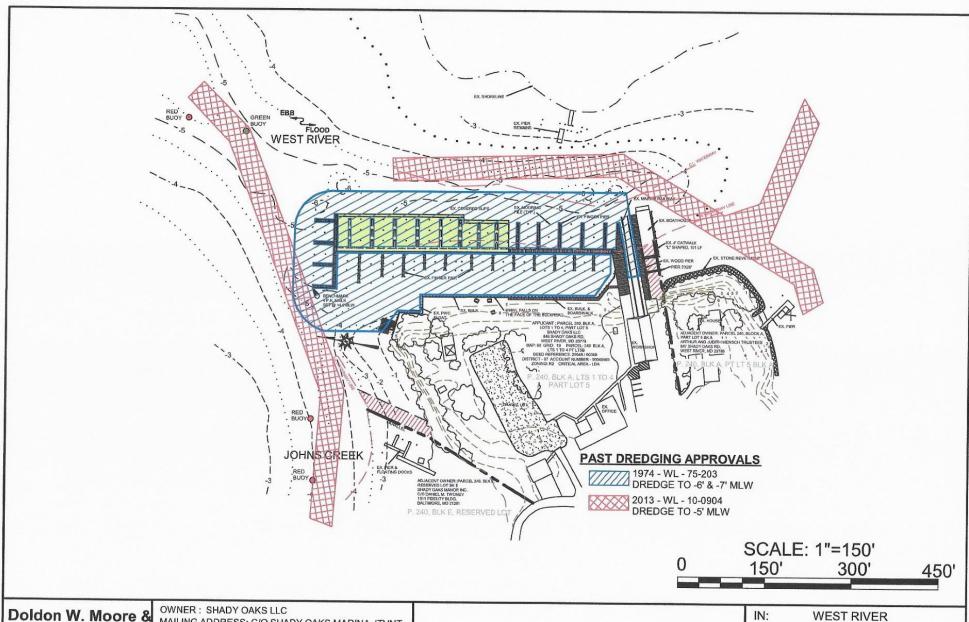
ZONING: R2 CRITICAL AREA - LDA

EXISTING SITE PLAN

IN: WEST RIVER
TOWN: WEST RIVER
COUNTY: ANNE ARUNDEL
STATE: MARYLAND
APPL. BY: SHADY OAKS LLC

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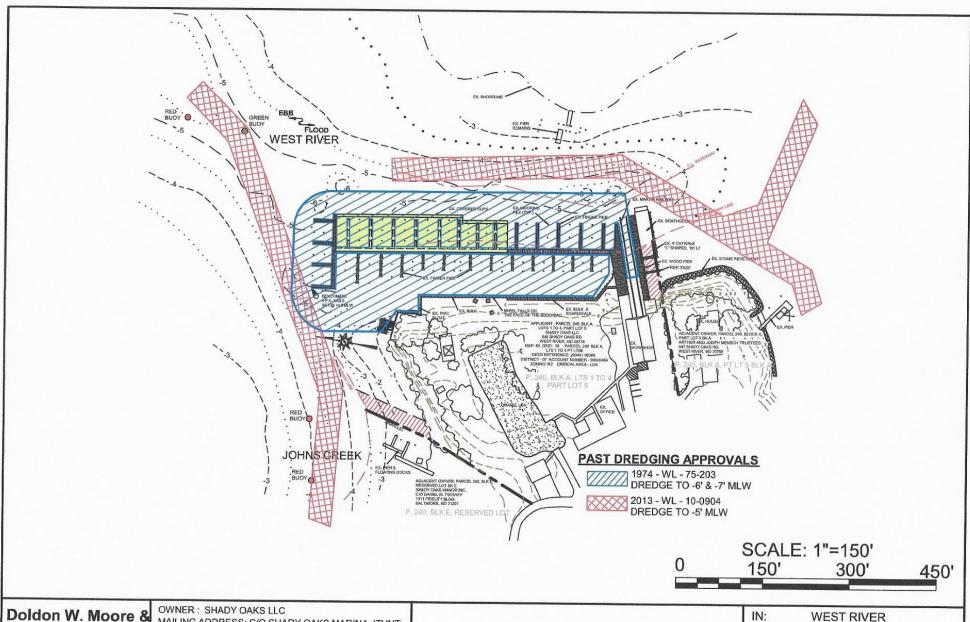
PAST DREDGING PROJECTS

IN: WEST RIVER
TOWN: WEST RIVER
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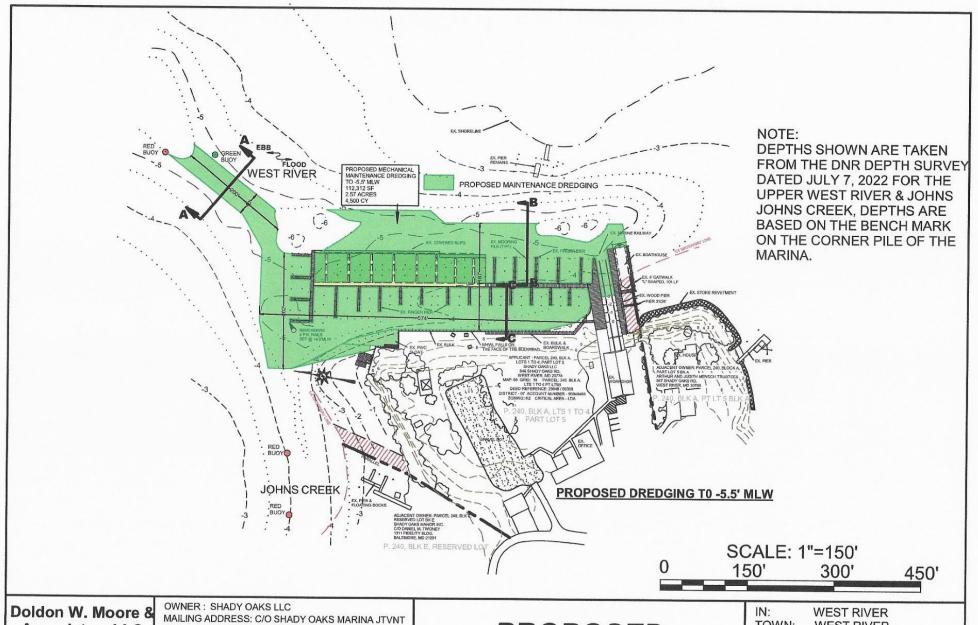
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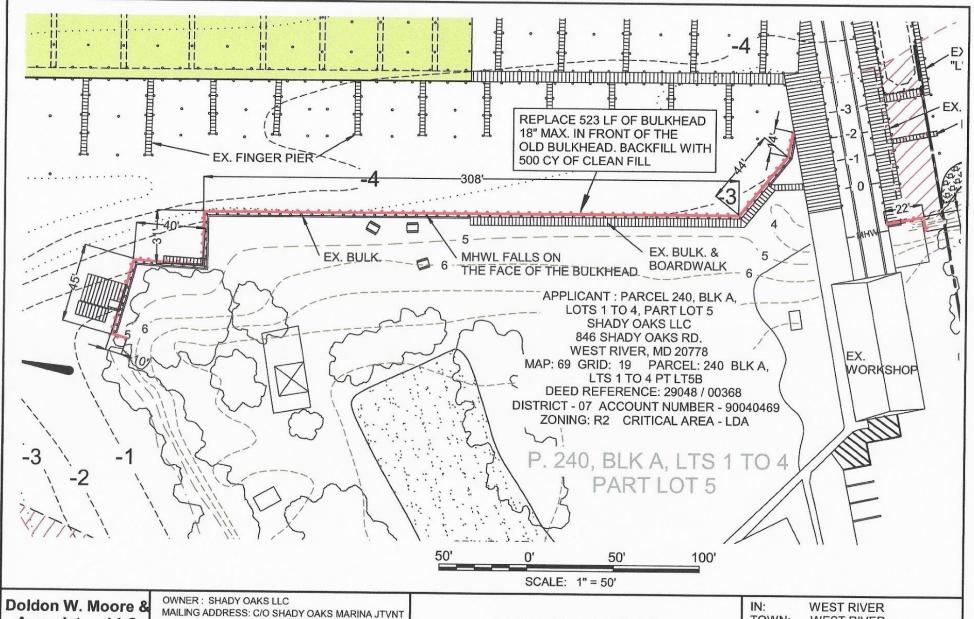
PROPOSED MAINTENANCE DREDGING

TOWN: WEST RIVER COUNTY: ANNE ARUNDEL STATE: MARYLAND

APPL. BY: SHADY OAKS LLC 846 SHADY OAKS RD.

WEST RIVER, MD 20778

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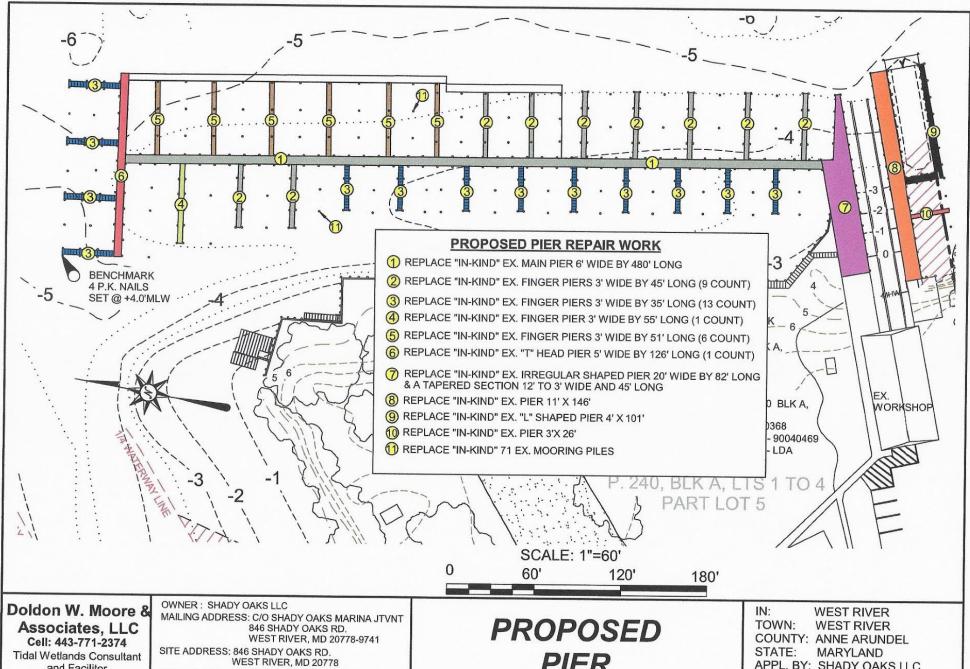
PROPOSED REPLACEMENT BULKHEAD

TOWN: WEST RIVER COUNTY: ANNE ARUNDEL STATE: MARYLAND

APPL. BY: SHADY OAKS LLC

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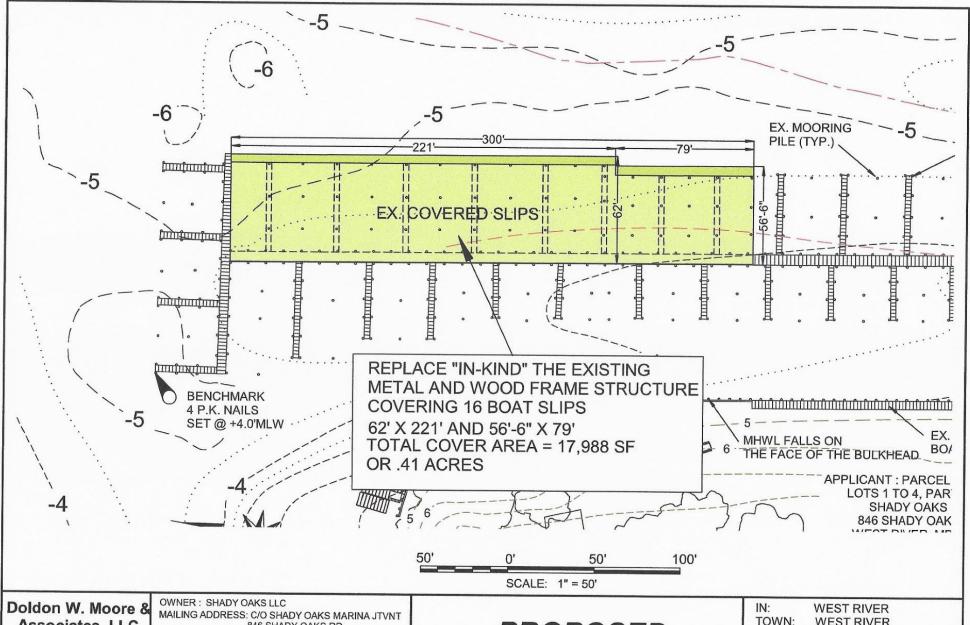
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PIER REPLACEMENTS

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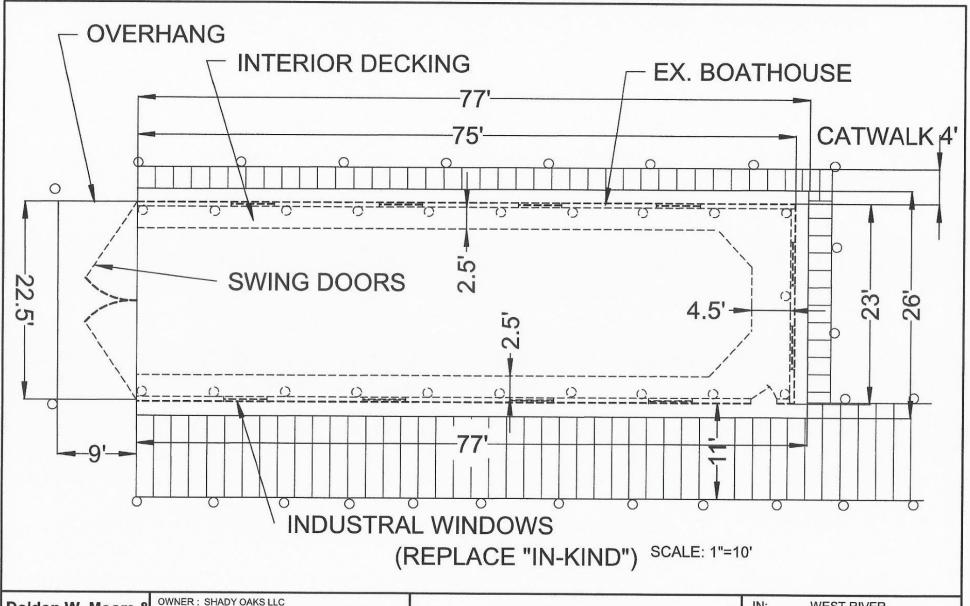
ZONING: R2 CRITICAL AREA - LDA

PROPOSED COVERED SLIP REPLACEMENT

WEST RIVER TOWN: COUNTY: ANNE ARUNDEL STATE: MARYLAND

APPL. BY: SHADY OAKS LLC

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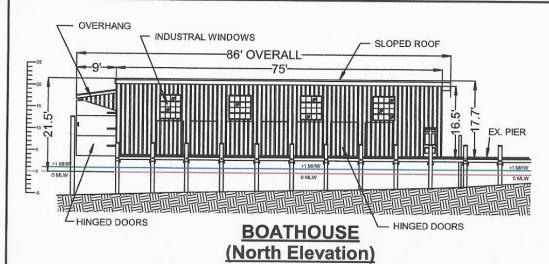
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PROPOSED BOATHOUSE REPLACEMENT

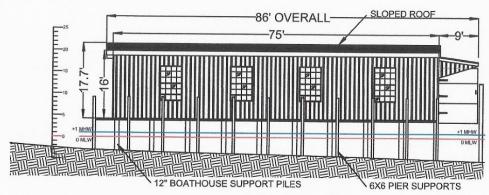
IN: WEST RIVER TOWN: WEST RIVER COUNTY: ANNE ARUNDEL STATE: MARYLAND APPL, BY: SHADY OAKS LLC

> 846 SHADY OAKS RD. WEST RIVER, MD 20778

DATE: REV 3/14/24

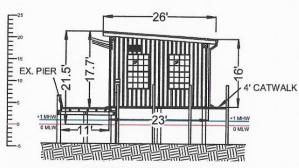


SCALE: 1"=20"



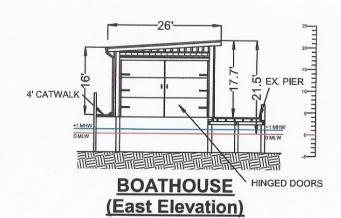
BOATHOUSE (South Elevation)

SCALE: 1"=20'



BOATHOUSE (West Elevation)

SCALE: 1"=20'



SCALE: 1"=20'

Doldon W. Moore & Associates, LLC Cell: 443-771-2374

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Consulting Services, Permit Facilitation,
Proect Management, Aquaculture,
Habitat Restoration, Expert Testimony

OWNER: SHADY OAKS LLC

MAILING ADDRESS: C/O SHADY OAKS MARINA JTVNT 846 SHADY OAKS RD. WEST RIVER, MD 20778-9741

SITE ADDRESS: 846 SHADY OAKS RD. WEST RIVER, MD 20778

MAP: 69 GRID: 19 PARCEL: 240 BLK A, LTS 1 TO 4 PT LT5B

DEED REFERENCE: 29048 / 00368

DISTRICT - 07 ACCOUNT NUMBER - 90040469

ZONING: R2 CRITICAL AREA - LDA

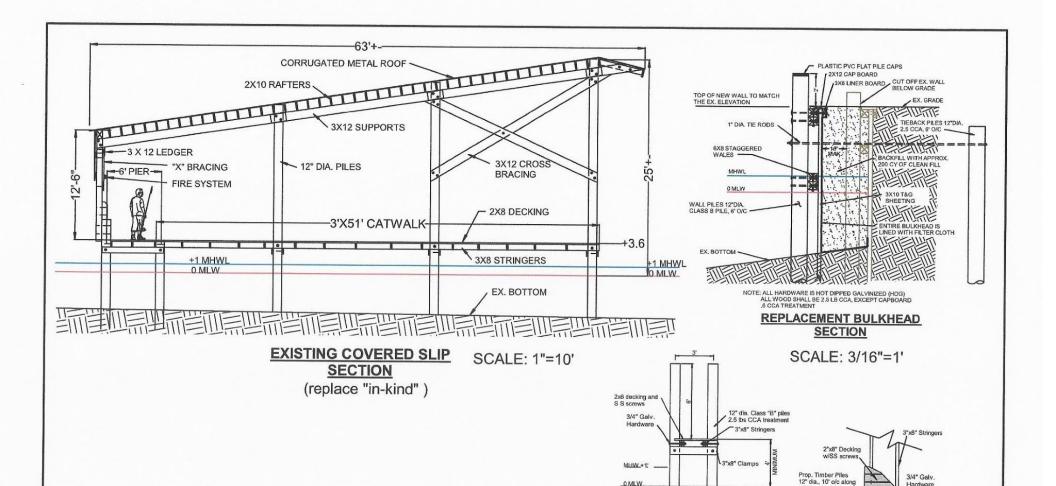
BOATHOUSE ELEVATION VIEWS

IN: WEST RIVER
TOWN: WEST RIVER
COUNTY: ANNE ARUNDEL
STATE: MARYLAND

APPL. BY: SHADY OAKS LLC

846 SHADY OAKS RD. WEST RIVER, MD 20778

DATE: REV 3/14/24



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SECTIONS

OMLW

PROPOSED 3' FINGER PIER SECTION (NTS)

Ex. Bottom

IN: WEST RIVER TOWN: WEST RIVER COUNTY: ANNE ARUNDEL STATE: MARYLAND

the pier length

3"x8" clamps

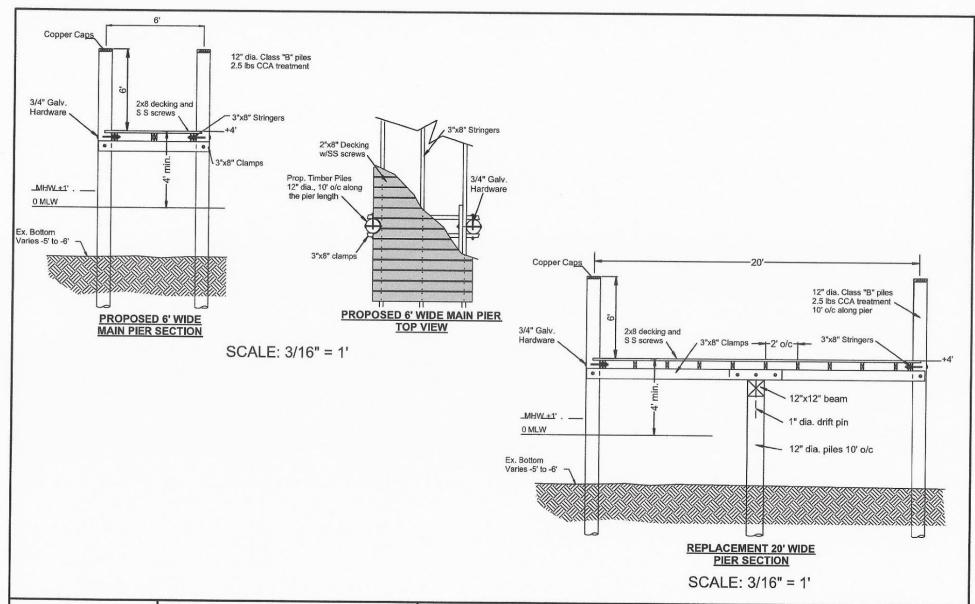
APPL, BY: SHADY OAKS LLC

846 SHADY OAKS RD. WEST RIVER, MD 20778

DATE: REV 3/14/24 **DRAWING 12**

PROPOSED 3' FINGER PIER
TOP VIEW

(NTS)



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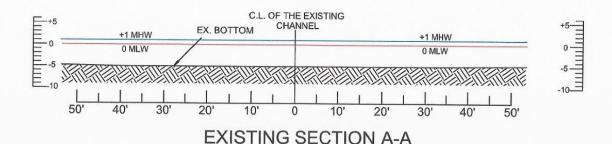
ZONING: R2 CRITICAL AREA - LDA

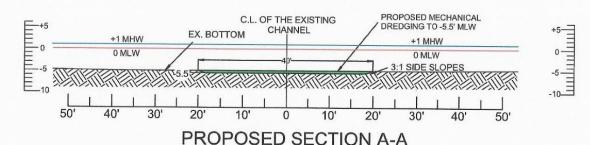
PIER SECTIONS

IN: WEST RIVER
TOWN: WEST RIVER
COUNTY: ANNE ARUNDEL
STATE: MARYLAND

APPL. BY: SHADY OAKS LLC

846 SHADY OAKS RD. WEST RIVER, MD 20778





SCALE: 1"=20'

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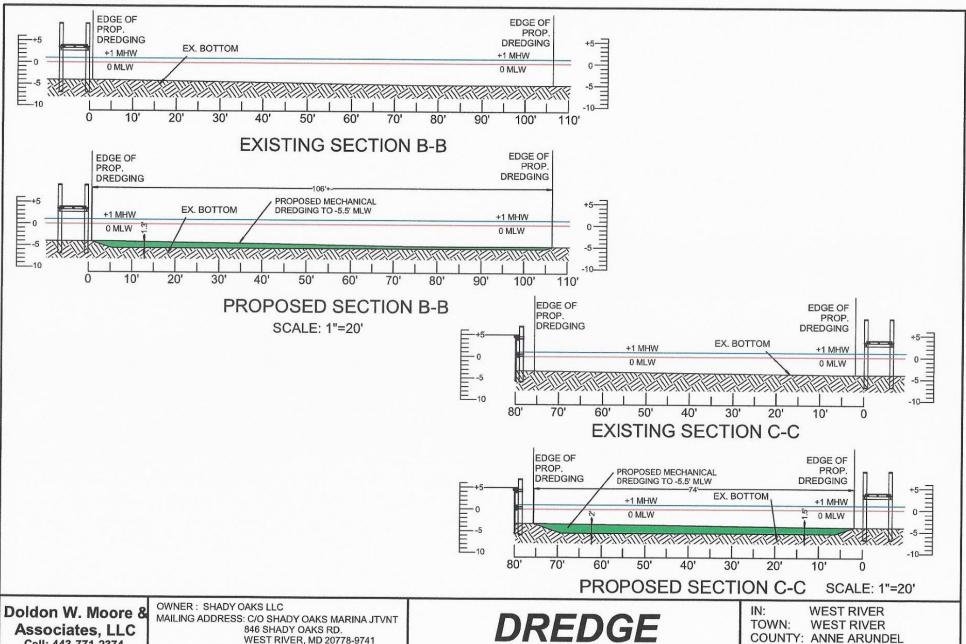
ZONING: R2 CRITICAL AREA - LDA

DREDGE SECTION A-A

IN: WEST RIVER
TOWN: WEST RIVER
COUNTY: ANNE ARUNDEL
STATE: MARYLAND

APPL. BY: SHADY OAKS LLC 846 SHADY OAKS RD.

WEST RIVER, MD 20778



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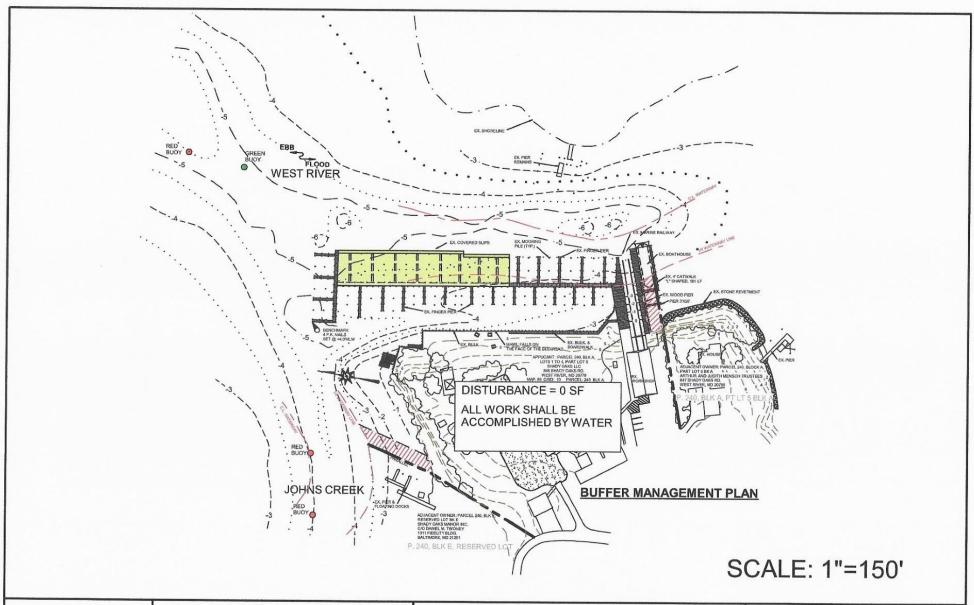
ZONING: R2 CRITICAL AREA - LDA

DREDGE SECTION BB & CC

COUNTY: ANNE ARUNDEL STATE: MARYLAND

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Proect Management, Aquaculture, Habitat Restoration, Expert Testimony OWNER: SHADY OAKS LLC

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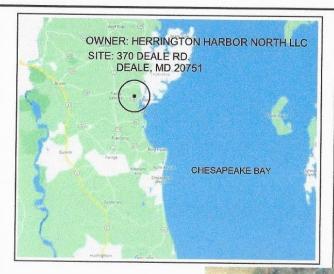
ZONING: R2 CRITICAL AREA - LDA

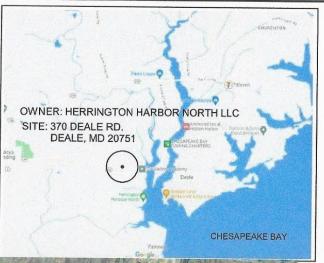
BUFFER MANAGEMENT PLAN

IN: WEST RIVER
TOWN: WEST RIVER
COUNTY: ANNE ARUNDEL
STATE: MARYLAND

APPL. BY: SHADY OAKS LLC 846 SHADY OAKS RD.

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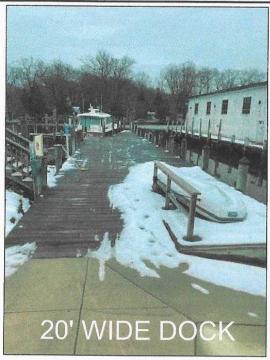
ZONING: R2 CRITICAL AREA - LDA

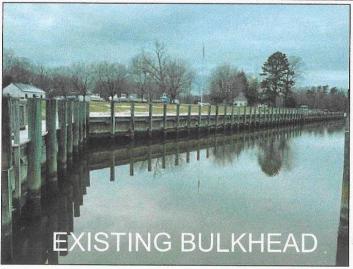
DMP LOCATION

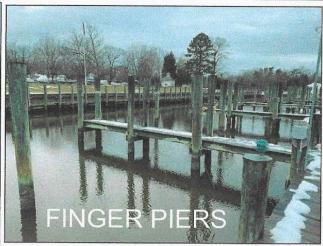
IN: WEST RIVER
TOWN: WEST RIVER
COUNTY: ANNE ARUNDEL
STATE: MARYLAND

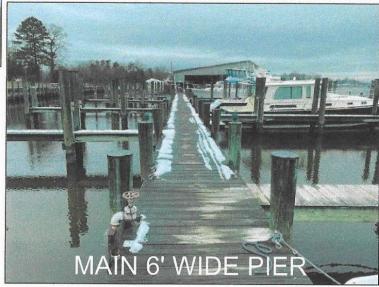
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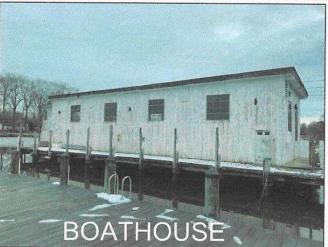
PHOTOS

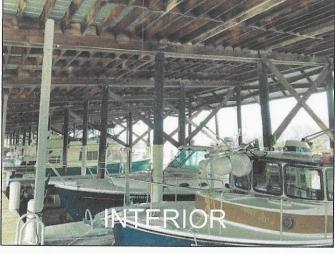
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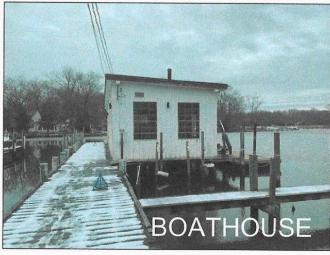
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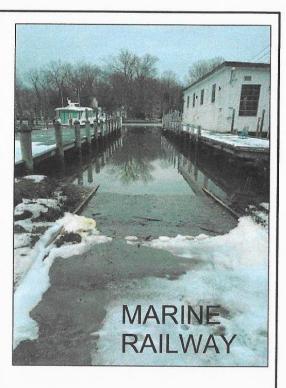
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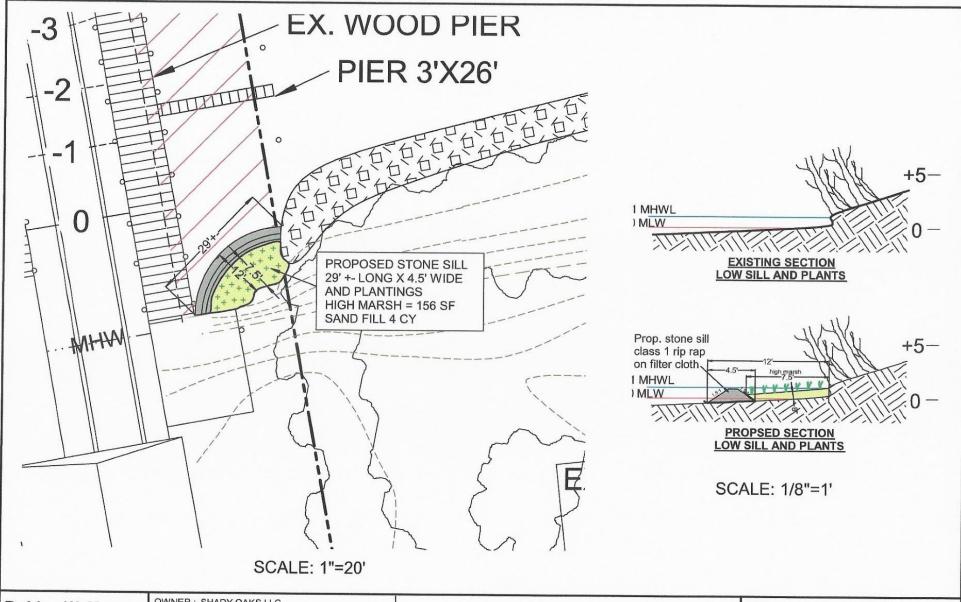
ZONING: R2 CRITICAL AREA - LDA

PHOTOS

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ZONING: R2 CRITICAL AREA - LDA

PROPOSED STONE SILL & **PLANTINGS**

IN: WEST RIVER TOWN: WEST RIVER COUNTY: ANNE ARUNDEL STATE: MARYLAND

APPL. BY: SHADY OAKS LLC

846 SHADY OAKS RD. WEST RIVER, MD 20778