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January 25, 2023

Ms. Holly Wahl, Town Administrator
Town of Chesapeake Beach
8200 Bayside Rd
Chesapeake Beach, MD 20732

Re: Route 261 Pedestrian Crossing From Sea Gate to the Horizon's
Feasibility Study
Summary of Findings

Dear Holly,

At your request, Messick & Associates completed a feasibility study and conceptual alignment for construction of a pedestrian connection from Sea Gate to the Horizon's along MD Route 261 in Chesapeake Beach. Attached are concept plans showing the proposed path alignment and potential cross-sectional details for the trail's construction.

For background purposes, the area where the pedestrian connection is proposed is along the east side of MD Route 261 where the highway crosses the South Creek watershed. This watershed includes several environmental features that are governed by environmental regulations including a tidal pond, tidal and non-tidal wetlands, Waters of the U.S and a FEMA floodplain. Any construction/disturbance or development within these regulated areas and/or their buffers will require Calvert County, Maryland Department of the Environment and US Army Corps of Engineers approval prior to initiating the project. See additional information in reference to environmental permitting attached from Holly Oak Consulting.

Based on meetings and coordination with the Maryland State Highway Administration who controls construction of any MD Route 261 improvements, they were not amenable to a simple widening on MD Route 261 due to the obvious environmental constraints in the required construction area. They also noted a possible future reconstruction of the MD Route 261 crossing of South Creek at a higher elevation due to sea level rise and previous flooding concerns. The SHA is currently conducting a study of the effects of sea level rise and flooding on the roadway. Our staff also met with Maryland Department of the Environment staff and our environmental scientist to walk the area and discuss the likelihood of permit approval for the crossing. The MDE staff noted the pedestrian safety concern on the east side shoulder of the road, but said they would only issue approval for the crossing due to need and minimization of disturbance. They noted a pedestrian crossing area on the west side of the roadway and suggested any approval would be based upon the safety of crossing the roadway to utilize the existing sidewalk area.

To minimize disturbance to the environmentally sensitive areas, we suggest the likely solution will be an elevated pedestrian boardwalk crossing the tidal and non-tidal wetland areas outside the State Right of way, connecting back into the Route 261 sidewalk system on the north and south ends. Prior to setting the exact alignment for the connection, property and right of way surveys will need to be conducted to determine if right of way is required from private property owners, and to ensure the boardwalk itself is outside the State Highway right of way as directed by them.

We researched the potential cost of the improvements. Utilizing cost data from a similar project for the Cross Island Connector Trail in Queen Annes County. That project was constructed in 2018/2019 at a cost of roughly \$600 per linear foot. Based on construction cost indicators and inflation since that time, we estimate the cost of this project will be in the \$400,000-\$600,000 range based on current 2023 pricing.

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We hope the above and attached information is of help to you in deciding whether to move this project forward. Please do not hesitate to contact me should you have any questions.

Sincerely,
Messick Group, Inc. T/A Messick & Associates
Town Engineer, Town of Chesapeake Beach

Wayne A. Newton

Wayne A. Newton, P.E.
President

HOLLY OAK CONSULTING, LLC
NATURAL RESOURCE EVALUATION, PLANNING, & PERMITTING

January 16, 2023

Wayne Newton, P.E, President
Messick & Associates
7 Old Solomons Island Rd Ste 202
Annapolis, MD 21401

RE: Wetland Permitting Feasibility Study
Chesapeake Beach - MD 260 Pedestrian Route
Chesapeake Beach, MD 20732
HOC#22-48

Mr. Newton,

Holly Oak Consulting, LLC (HOC) has completed a feasibility review of the proposed pedestrian crossing along Maryland Route 260, in the Town of Chesapeake Beach, between the Horizons on the Bay condominium complex and the Seagate Square townhomes. As part of my feasibility study, a pre-application meeting was held with representatives of the Maryland Department of the Environment (MDE) on December 12, 2022. In addition, I have reviewed the concept plan prepared by Messick and Associates, dated January 2023.

The project proposes to construct approximately 370 linear feet of 6' wide boardwalk along the previously mentioned route. Given the location of the route along the MD Route 260 right-of-way, the boardwalk would need to be placed outside the right-of-way and traverse a tidal wetland area. The tidal wetland is a mixture of open water and vegetated wetlands. This project would be subject to State (MDE) and Federal (U.S. Army Corps of Engineers-USACE) wetland regulations. What follows is a summary of the permitting path that would be required for this project.

The project's scope would disqualify it from being reviewed under the Maryland State Programmatic General Permit 6 (MDSPGP-6). As such, the project would be reviewed separately by the MDE as a Tidal Wetlands License and by the USACE as an alternative review. Under this scenario a joint permit application would be required to be submitted to MDE and it would be distributed to the USACE. Then both agencies would conduct separate, but concurrent reviews. In addition, it should be assumed that a Water Quality Certification would be required, which is a third separate, but concurrent process. The Water Quality Certification review process will be conducted by the MDE. All three reviews are likely to require separate, 30-day public notice periods, which may or may not run concurrently, depending on the review timelines of both agencies. In total, 8-12 months should be allotted for the review and approval (inclusive of the public notice periods) of the MDE Wetland License, USACE Wetland Permit, and the Water Quality Certification.

Mitigation for direct impacts to vegetated tidal wetlands may be required. Given the nature of the project (an elevated boardwalk) and the relatively small amount of permanent impact that may occur, it is likely that a fee-in-lieu payment will be accepted as mitigation by the MDE. It is unlikely that the USACE will require mitigation for a project of this scope. Currently, the approximate fee-in-lieu for tidal wetland mitigation is \$1.50. A mitigation proposal, detailing how the mitigation requirement will be met, will need to be included with the initial Joint Permit Application package.

It should be noted that the above description of the permitting path was confirmed by the MDE during the pre-application meeting held on 12/12/22. Additionally, follow-up emails have been sent to the MDE for further details on similar projects that have been completed within the surrounding areas for comparison. Finally, while the USACE did not attend the pre-application meeting, the USACE has been contacted with a request to conduct a preliminary project review. When a response is received from the MDE and/or the USACE I will forward the responses to you.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Holly Oak Consulting, LLC



Kevin C. Haines
President & Principal Environmental Scientist

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