

U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT CHECKLIST FOR NEW AQUACULTURE PROJECTS BOTTOM/SUBMERGED LAND LEASES

A Corps permit is required for shellfish aquaculture and seeding activities if they involve a discharge of dredged or fill material into waters of the U.S. (Section 404) and/or structures or work in navigable waters of the U.S. (Section 10). The placement of shellfish seed (e.g., spat on shell) and/or suitable substrate used to increase shellfish production into waters of the United States is considered a discharge of fill under the Clean Water Act and requires Corps authorization.

Applicants seeking to perform new commercial shellfish aquaculture activities using a submerged land lease must complete a [Joint State/Federal Application for a Commercial Shellfish Aquaculture Lease and Federal Permit](#) and submit it to the Department of Natural Resources, Fisheries Service, Aquaculture Division (see address at end of this checklist). The completed permit application and plans must include the following information:

- ___ 1. The name, address, and telephone number(s) of the applicant. If the responsible party is an agency, company, corporation, or other organization, indicate the responsible office and his/her title.

- ___ 2. The location of the proposed project (e.g., waterway, county, city, state).

- ___ 3. A written description of the proposed project (i.e., size or project area(s) in acres; description of culture and harvesting methods; common and scientific names of cultivated species; type of shellfish seed to be used [e.g., spat-on-shell, shellfish shells or shell fragments, alternative substrate materials, etc.]; amount of fill (i.e., shellfish seed) in cubic yards; use of bags, structures, or equipment; use of predator exclusion devices).

- ___ 4. Source of shellfish.

- ___ 5. Describe the purpose and need for the proposed project. Also include a description of any related activities (e.g., off-loading/storage/staging areas, piers, etc.) to be developed as a result of the proposed project.

- ___ 6. Indicate the number of years that the submerged lease activity is requested.

- ___ 7. Indicate if any portion of the work is already complete and describe the completed work.

- ___ 8. Names and addresses of waterfront property owners in the vicinity of the project area(s).

- ___ 9. List of other certifications or approvals/denials received from other Federal, State, or Local agencies for work described in the application. All shellfish introduced

into tidal waters of the Chesapeake Bay and its tributaries, or in the Maryland coastal bays, must be certified (under Maryland standards) as being disease and parasite free.

____10. A description of the substrate composition (sand, silt, shell, mud, etc.) at the project site.

____11. Describe any recreational and commercial uses of the proposed project area(s), duration of activity (e.g., seasonal, year-round), and direction of traffic of activity in the immediate project area(s).

____12. Describe criteria used in selection of project area(s). Include information on water quality (e.g., restricted, conditional, or approved waters), proximity to shoreline resources, and access to/from site. Prospective aquaculturists should select project area(s) with minimum environmental, social, or use conflicts (e.g., essential fish habitat, submerged aquatic vegetation, navigation, recreational boating uses, safe ingress and egress for riparian owners, etc.).

____13. A statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.

____14. Applicant signature attesting to the accurateness of the application document.

____15. Project plans. A project location map, a project overview, and an elevation/cross-section view drawing are required. Plans shall be good quality, on 8.5” by 11” white paper, and use black ink (not color shaded). Each plan shall have a legend with the applicant name, county and state, waterbody name, date, and page number. All plans shall clearly show the following:

____a. Project Vicinity Map

____ North arrow

____ Draw and label lease perimeter(s) with latitude/longitude coordinates and lease area size (acres)

____ Identify water depths reference to mean low water within and adjacent to the proposed aquaculture project area(s)

____ The width of the waterway at the project area(s)

____ Location and distance to any Federal, state, local, or privately maintained navigation channel, where applicable

____ Location and distance to closest landmark on shore

___ b. Project Overview (Bird's Eye View)

___ North arrow

___ Draw and label the perimeter of the project area(s). Label locations of proposed marker buoys

___ Indicate the length and width dimensions of project area(s)

___ Mark location and distance from project area(s) to the following (if applicable):

- Existing shoreline
- Submerged aquatic vegetation
- Tidal wetlands
- Intertidal flat
- Sandbar/shoal
- In-water structures (e.g., boat ramp, marina, pier, breakwaters, groins)
- Mooring field and anchorages
- Submarine cables
- Federal, State and local designated sanctuaries and refuges managed for the preservation and use of fish and wildlife resources

___ Mean high and mean low water lines. Maximum distance the project area(s) extend from the mean high water line into tidal waters

___ Show nearby waterfront property lines extended into the waterway relative to the project area(s)

___ Show location of all project elements, including off-loading, storage, staging areas and piers

___ c. Cross-Sectional View Plan

___ Draw and label the placement of the proposed fill (e.g., spat on shell), bags, nets and other predator exclusion devices in the water column relative to mean high water and mean low water lines

___ Indicate the proposed maximum depth of shellfish seeding or bags from the waterway bottom

___ Indicate the proposed minimum depth elevation of the fill below mean low water

___ Draw and label the dimensions of any predatory exclusion devices and anchoring systems

___ Draw and label the dimensions of the marker buoy configuration

Submit the MDE/Corps joint application with the above requested information to:

Maryland Department of Natural Resources
Fisheries Service, Aquaculture Division C-2,
580 Taylor Avenue
Annapolis, Maryland 21401