

U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT CHECKLIST FOR NEW AQUACULTURE PROJECTS WATER COLUMN LEASES

A Corps permit is required to establish shellfish aquaculture activities/operations and for construction or placement of structures or performance of work in navigable waters of the U.S. pursuant to Section 10 of the River and Harbors Act of 1899 (RHA) (Section 10) and /or for seeding activities involving a discharge of dredged or fill material into waters of the U.S. pursuant to Section 404 of the Clean Water Act (CWA) (Section 404).

The placement of structures or work in navigable waters of the United States, including the installation, operation and maintenance of buoys, floats, trays, bags, nets, lines, tubes, containers, anchors, stakes, and other structures requires Corps authorization under Section 10 of the Rivers and Harbors Act of 1899. 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 Section 404 of the CWA and therefore, requires Corps authorization. Therefore, any person or entities interested in establishing new, commercial shellfish aquaculture activities/operations, under a Maryland State Water Column Lease must obtain a Corps permit, as well as any required State approvals by completing a [Joint State/Federal Application for a Commercial Shellfish Aquaculture Lease and Federal Permit](#). (Click link to access application) The completed application should be submitted to the Maryland 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), and email address if available, for the applicant. If someone other than the applicant is acting as the applicant's agent/responsible party (agency, company, corporation, or other organization) for submitting additional information, or any necessary project clarifications on behalf of the applicant, indicate the party responsible, their mailing address, telephone number(s), email address, if available, as well as a signed statement by the applicant that designates that they are authorized to act on behalf of the applicant.

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

- ____ 3. A written description of the proposed aquaculture operation/activity. Include size of project area(s) in square feet /acres; description of culture and harvesting methods; description of proposed equipment (e.g., cages, anchors, bags, nets, floats, lines, marker buoys, etc.) 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.]; use of bags, structures, or equipment; use of predator exclusion devices-nets etc.).

- ____ 4. Include a description of any other facilities used to support the proposed aquaculture operation/activity, such as the location where shellfish will be loaded/off-loaded, including locations of any storage or staging areas, indicate the location of the your waterfront access point/parcel that will be used and if public or private, and include

if you have received permission if needed. Do you need to construct any structures, such as piers, boat ramps etc., or perform other work such as dredging, in support of the proposed aquaculture operation/activity? Will up-wellers or down-wellers or other equipment be needed in the support of the proposed aquaculture operation/activity? If so, include a description of those activities in the application and provide information about their location and show on project plans...

____5. Identify the source of shellfish and whether you have received approval from MD DNR. Indicate the date of MD DNR approval/status.

____6. Describe the purpose and need for the proposed project.

____7. Indicate the number of years that the water column lease activity is requested/or has been approved. Include a copy of the State lease and the date issued.

____8. Indicate if any portion of the work is already complete and describe the completed work.

____9. Names and addresses of waterfront property owners in the vicinity of the project area(s).

____10. 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.

____11. Identify the general composition of the substrate/bottom, what is it? (Sand, silt, shell, mud, etc.)

____12. 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).

____13. Describe criteria used in selection of project area(s). Why was this site selected? Include information on current water quality status (is it, restricted, conditional, or approved waters), proximity of the aquaculture operation/activity to the shoreline... Prospective aquaculturists should select project area(s) with minimum environmental (such as high value essential fish habitat areas and areas that support submerged aquatic vegetation), social, or user conflicts (, (navigation, recreational boating uses, safe ingress and egress for riparian owners, etc.).

____14. A statement describing how impacts to aquatic resources have been avoided and minimized. The application must also include either a statement describing how impacts to aquatic resources are being compensated for, or a statement explaining why compensatory mitigation is not being proposed any why it should not be required for the proposed project impacts.

_____ 15. Applicant's signature on the application document.

_____ 16. Project plans. A project vicinity map, a project site plan, and elevation/cross-section view drawing are required. Plans must be of good reproducible quality, be provided on 8.5" by 11" white paper, with black ink (not color shaded or on aerial photos). Each plan must have a legend with the applicant name, county and state, waterway name, date, and page number. All plans must clearly show the following:

_____ a. Project Vicinity Map

_____ North arrow;

_____ Draw and label lease perimeter(s). Show latitude/longitude coordinates and lease area size (square feet/acres);

_____ Identify approximate water depths referenced to mean low water within and adjacent to the proposed aquaculture project area(s);

_____ The approximate width of the waterway at the project area(s);

_____ Location and distance from the project site/area to any Federal, state, local, or private navigation channels, where applicable;

_____ Location and distance of the proposed aquaculture operation/activity off shore (i.e., how far channelward of the mean high water shoreline is the project site located? How far channelward of the mean high water shoreline, is the closest point of the project site located?)

_____ b. Project Site Plan (Bird's Eye View)

_____ North arrow;

_____ Draw and label the perimeter of the lease perimeter(s). Show latitude/longitude coordinates and lease area size (square feet/acres);

_____ Label locations of proposed marker buoys;

_____ Identify the dimensions of the project site/area (length and width);

_____ Identify the water depths referenced to mean low water within and adjacent to the proposed aquaculture project area(s). Show water depths for the project site(s)/area(s) adjusted to represent water depths at elevation mean low water;

_____ Mark location and distance from project area(s) to the following (as applicable):

- _____ Existing shoreline
- _____ Submerged aquatic vegetation
- _____ Tidal wetlands
- _____ Intertidal flat
- _____ Sandbars/shoals, reefs, and known channels (federal, state, local, private)
- _____ In-water structures (e.g., boat ramp, marina, piers, breakwaters, groins, etc)
- _____ Identify if the project site/area is located within or near any existing mooring fields and/or anchorages
- _____ The approx. width of the waterway at the project area(s)

- _____ Location and distance from the project site/area to any Federal, state, local, or private navigation channels, where applicable.
- _____ Identify if the project site/area is located within or near any existing submarine cables
- _____ Identify if the project site/area is located within or near any existing Federal, State and local designated sanctuaries and/or refuges

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

_____ Show adjacent and other nearby waterfront properties and the location of these property lines projected channelward into the waterway relative to the project area(s). Also, include mailing addresses and names for each property shown;

_____ Location and distance of the proposed aquaculture operation/activity off shore (How far channelward of the mean high water shoreline is the project site located?) How far channelward of the mean high water shoreline, is the closest point of the project site located?;

_____ Show the location of all project elements that will be used to support the proposed aquaculture operation/activity, such as, for loading and off-loading, storage, staging areas, access facilities, such as piers and boat ramps, and any other work, such as up-wellers, down-wellers or other equipment, etc. to be used and needed in the support of the proposed aquaculture operation/activity.

_____ c. Cross-Sectional View Plan

_____ Draw and label the location of the proposed structures, bags, nets and other predator exclusion devices in the water column relative to mean high water and mean low water lines;

_____ Indicate the proposed size of any structures including cages, anchors, nets, etc. and show distance that they extend above the bottom or location/depth at the surface if floats are being used;

_____ Indicate the proposed minimum depth, at mean low water, over the top of any proposed structures;

_____ 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 Joint State/Federal Application for a Commercial Shellfish Aquaculture Lease and Federal Permit with the above requested information to:

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