



U.S. Army Corps
Of Engineers
Baltimore District



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

JOINT APPLICATION FOR STATE COMMERCIAL SHELLFISH AQUACULTURE LEASE AND CORPS OF ENGINEERS FEDERAL PERMIT

APPLICATION MUST BE ACCOMPANIED BY A NON-REFUNDABLE APPLICATION FEE.

Checks should be made payable to State of Maryland
Department of Natural Resources according to the following
fee structure*:

Received Date (stamp below)

\$300 Submerged Land Lease
\$300 Water Column Lease

Paid Date: _____

For office use only

PART I – All Applicants

Primary Applicant Information (legal name as it should appear on lease agreement)

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Mailing Address (if different): _____

City: _____ State: _____ Zip: _____

Telephone (h): _____ (c): _____

Email: _____

Is applicant over the age of 18? Yes No

Tidal Fishing License holder? Yes No #: _____

Other aquaculture leases or tidal wetlands licenses held or pending:

Is Primary Applicant a Corporation?

Yes No
(If "No" then proceed to next page.)

State of Incorporation: _____

Is the corporation organized under the laws of the state?

Yes No

Is more than 50% of the stock in the corporation owned by residents of the State of Maryland?

Yes No

SDAT ID#: _____
(If you do not know what this is, see <http://www.dat.state.md.us/>.)

If primary applicant is a corporation, you are only eligible for a lease in the State of Maryland if you answered yes to all of the above. **Please provide the resident agent's name, proof of signatory authority, address, telephone phone number(s), and email as supporting documentation.**

Co-Applicant Information (legal name as it should appear on lease agreement)

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Mailing Address (if different): _____

City: _____ State: _____ Zip: _____

Telephone (h): _____ (c): _____

Email: _____

Is co-applicant over the age of 18? Yes No

Tidal Fishing License holder? Yes No #: _____

Other aquaculture leases or tidal wetlands licenses held or pending:

For more co-applicants, please provide each person's information on an additional page.

Co-applicants will be listed by name on the official lease agreement, but the primary lease applicant will be the recipient of all subsequent lease-related notices and correspondence from the Department.

It is the responsibility of each co-lessee to ensure that he/she remains informed of all such follow-up communications, assists the primary lessee in fulfilling the terms of the lease agreement, and furnishes the Department with any updates to the contact information provided here.

In the event of the primary lessee's death, any co-lessee(s) will assume the remainder of the current term of and all obligations associated with the lease, including but not limited to annual rent and reporting. If no co-lessee is named, the lease will automatically revert back to the State upon a leaseholder's death.

Site Information

Is the proposed shellfish lease site a (check all that apply):

Submerged Land Lease
 within an oyster sanctuary*

Water Column Lease
 within an oyster sanctuary*

(Please complete PART II of the application on page 9 if you are applying for a water column lease.)

*Applications for leases within legally designated oyster sanctuaries will be considered on a first-come, first-serve basis up to a cap of 10% of the total acreage of each sanctuary. Pre-existing leases within each sanctuary are counted towards the 10% of leasable bottom. Thus, some tributaries may already be at maximum leasing capacity. Sanctuary leases may not be located within 150' of a Yates Bar, as defined by Natural Resources Article §4-11A-01.

Lease county: _____

Closest town: _____

Waterway: _____

Total acreage requested: _____ acres

Shallowest water depth at mean low water: _____ ft.

Avg. tidal range in waterway: _____ ft.

Deepest water depth at mean low water: _____ ft.

Describe the typical substrate/bottom composition at the proposed lease site (i.e. sand, silt, shell, mud, etc.):

Does the applicant or any co-applicant own all or part of the shoreline adjacent to the proposed lease?* Yes No

If yes, property address(es): _____

Approx. minimum distance of proposed lease site from shoreline: _____ ft.

Letter(s) of permission attached: Yes No N/A

Has the proposed lease site been marked with a center stake?

Yes No

*If the applicant or any co-applicant is not the sole riparian owner/legal tenant or does not provide proof of permission from any adjacent riparian owner(s) at the time of application, the lease cannot be located closer than 50 ft. to the shoreline at mean low water, or to any piers or other in-water structures which are not also applicant-owned. The lease must also be outside of any Submerged Aquatic Vegetation (SAV) Protection Zones that may be along the shoreline. We recommend a proactive approach to notifying adjacent landowners of your project plans in advance of submitting your application to alleviate conflicts.

Attach an accurate 8 ½ by 11 inch tax map, chart, or topographic map, with a maximum scale of 1:24,000 (USGS Quad Sheet), showing the location of the proposed site and the surrounding waters and shorelands. Mark the entire boundary, including the corners, of your proposed lease area on the map, ensuring that the area is relatively easy to identify.

Map attached? Yes No

Please list the corner coordinates of the proposed lease area using either degrees, minutes, seconds (DD° MM' SS") or degree decimal minutes (DD° MM.MMM'). Attach an additional page if more than eight corners.

1. _____ N, _____ W

5. _____ N, _____ W

2. _____ N, _____ W

6. _____ N, _____ W

3. _____ N, _____ W

7. _____ N, _____ W

4. _____ N, _____ W

8. _____ N, _____ W

Briefly describe your reasons for selecting the site proposed above (i.e., substrate type, location to property, water quality, etc.). The project area(s) should be selected so as to have minimum environmental, social, or use conflicts (e.g., essential fish habitat, submerged aquatic vegetation, navigation, recreational boating uses, safe boating access for riparian owners, etc.).

List any other recreational and commercial uses of the proposed project area (e.g., clamming, crabbing, hunting), duration of activity (e.g., seasonal, year-round), and direction of boat traffic in the immediate vicinity:

Is your proposed lease location in waters classified as restricted?

Yes No

If yes, please identify your relay location(s) by lease number and describe your plan (time, duration, size at relay, etc.) for relaying the shellfish:

In order to safeguard public health, shellfish growing waters throughout the State are classified as restricted, conditionally approved, seasonally conditionally approved or approved.

Direct harvest of shellfish from restricted waters is not permitted. New leases will not be approved in restricted waters without proof of at least one viable relay location.

Maryland's Shellfish Harvesting and Closure Area Maps and shellfish relay procedures can be found on the Maryland Department of the Environment's website at: <http://www.mde.state.md.us>.

Does the proposed aquaculture project meet the terms and conditions of the Corps of Engineers Nationwide Permit #48 (NWP #48), including the regional conditions?

Yes No

Are you applying for authorization under NWP #48?

— —

I am applying under standard permit authorization.

— —

Using the examples found in the instructions as a general guideline, attach an 8 ½ by 11 inch cross-section diagram that depicts the typical bottom profile of the proposed lease area. If the profile of the area differs greatly from one end to the other, please create more than one diagram to depict the variation. Each diagram should show the following, relative to mean high and mean low water lines:

- Draw and label the location of existing shell and areas for placement of additional shell/spat on shell;
- Draw and label the location of any bags, nets or other proposed predator exclusion devices;
- Draw and label the location of any proposed structures such as cages, floats, and anchors;
- Indicate the maximum depth of shell, spat on shell, bags, nets and other predator exclusion devices below mean low water;
- Indicate the minimum depth of shell, spat on shell, bags, nets and other predator exclusion devices below mean low water;
- Indicate the proposed size of any structures including cages, anchors, nets, etc. and show the 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 corner marker buoy configuration;
- Provide a legend with the applicant/company name, county and state, waterbody name, and date.

Cross-section diagram attached? Yes No

Supporting Activities

Please provide an address/description for **and** indicate on an attached map the location of the site(s) where you plan to **stage and/or store gear** used in your aquaculture operation:

Do you own this parcel? Yes, it is applicant/co-applicant owned. No

If not owned, have you received permission to use this property from the owner?

Yes, I/we have obtained permission for use. No N/A

Please provide an address/description for **and** indicate on an attached map the location of the site(s) where you plan to **offload/land** your product:

Do you own this parcel? Yes, it is applicant/co-applicant owned. No

If not owned, have you received permission to use this property from the owner?

Yes, I/we have obtained permission for use. No N/A

Do you need to construct a building or do any grading, tree clearing, or filling of land or make other improvements to the land that you want to use for staging, storage or offloading? Yes No

Are you planning to construct any new in-water structures related to your aquaculture operation (i.e., piers, boat ramps, mooring piles) or perform other work such as dredging, in support of the proposed aquaculture operation/activity? Yes No

If you indicated above that any type of construction is planned, please describe the improvements that you are proposing:

Note: The Department of Natural Resources does not have the authority to review or permit construction activities related to this application. Please contact the Maryland Department of the Environment or the U.S. Army Corps of Engineers, Baltimore District, to assist you in determining if your proposed construction work is subject to additional State/Federal permit requirements. You may need to submit a “Joint Federal/State Tidal Wetlands Application” separately through the Maryland Department of the Environment for that work (see instructions for more information).

Is any portion of the proposed construction work complete? Yes No

If yes, please describe:

Other certifications or approvals/denials received from other Federal, State, or Local agencies for construction work described in this application. Please check all that apply and complete additional information for each.

TYPE APPROVAL	ID NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
<input type="checkbox"/> Zoning Variance	_____	_____	_____	_____
<input type="checkbox"/> Building Permit	_____	_____	_____	_____
<input type="checkbox"/> Floodplain Permit	_____	_____	_____	_____
<input type="checkbox"/> State Wetland Permit	_____	_____	_____	_____
<input type="checkbox"/> Other (please list)	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Are you planning to construct any of the following (check all that apply and specify if in-water or land-based):

- | | | |
|--|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> Remote setting facility | <input type="checkbox"/> Land-based | <input type="checkbox"/> In-water |
| <input type="checkbox"/> Upweller/Downweller | <input type="checkbox"/> Land-based | <input type="checkbox"/> In-water |
| <input type="checkbox"/> Other nursery type | <input type="checkbox"/> Land-based | <input type="checkbox"/> In-water |

Please provide a brief description (size, tank quantity, location, etc.) for each nursery type selected above so that we are aware of the full scope of your aquaculture project:

Land-based shellfish nursery facilities of all sizes and in-water shellfish nursery facilities up to 200 ft² are permitted separately by the Department. To apply, please complete a Shellfish Nursery Permit Application, available online or by request from the Department.

Under certain circumstances, these nursery operations may also be subject to approval by the Maryland Department of the Environment.

An in-water nursery facility larger than 200 ft² requires joint State/Federal review and issuance as a water column lease and permit. As such, a separate lease application and application fee is required.

Production Information

Name of species to be cultivated (check all that apply):

- Eastern Oyster, *Crassostrea virginica*
- Hard Shell Clam, *Mercenaria mercenaria*
- Soft Shell Clam, *Mya arenaria*
- Other: _____

Name and address for each shellfish seed source:

Note: Larvae, seed or shell imported across state lines requires an approved import permit. A Shellfish Import Permit Application can be obtained by contacting the Department or downloading it from the Shellfish Aquaculture web page: <http://www.dnr.state.md.us/fisheries/oysters/industry/aquaculture/>.

Materials and equipment to be used on the lease (check all that apply):

- oyster shell
- shellfish shell, other: _____
- spat on shell
- alternative substrate(s): _____
- bags/nets
- predator exclusion devices: _____
- cages (water column lease only)
- floats (water column lease only)
- lines
- marker buoys
- other: _____

Please indicate how much shell or other approved base material you anticipate planting on all or a portion of the lease: _____ inches (this shell depth should match what is shown on the cross-section diagram and should be the maximum amount you might plant in any given spot).

Describe your proposed activities on the lease site, including any and all methods that will be used for shellfish cultivation, maintenance of the lease and predator control.

Describe the labor, harvesting methods, and harvesting equipment to be used on the lease.

The current requirements for active use of a lease include (1) annually planting at least one-fourth of the leased area at a minimum density of 1,000,000 shellfish seed per acre; or (2) complying with any other requirements established by the Department of Natural Resources. **Estimate below the quantity of shellfish that you expect to plant and harvest, and the time of year for planting and harvesting during the initial three years (3) of the lease.**

Public Health Information

The National Shellfish Sanitation Program (NSSP) Model Ordinance dictates the safe handling of shellfish for human consumption. In order to comply with the requirements of the NSSP and decrease the risk of illness, Maryland has developed a *Vibrio parahaemolyticus* Control Plan. *V. parahaemolyticus* illness is caused by the consumption of raw molluscan shellfish (clams and oysters). *Vibrio* bacteria occur naturally in all coastal marine waters and multiply rapidly in the warm weather months once shellfish are removed from the water and exposed to ambient air temperatures. The most effective and least costly methods of controlling bacterial growth are to shade the shellfish from the sun during harvest and refrigerate harvested shellfish promptly.

To accomplish this goal the Department is requiring all shellfish leaseholders to comply with the following summertime harvesting restrictions specified in the Maryland *V. parahaemolyticus* Control Plan:

For the purpose of protecting the public health, safety, and welfare, from June 1 through September 30, all harvesters shall provide shade over the area that serves as storage for harvested oysters and deliver harvested oysters to a certified shellfish dealer no later than 10:00 a.m. on the day of harvest.

All applicants are required to declare their intent to harvest in compliance with the *V. parahaemolyticus* Control Plan before a lease can be issued. If you are granted a lease, failure to harvest in compliance with these restrictions may result in revocation of your lease. Your application will not be considered complete without this signature.

I, _____, hereby declare that I/we
Print name(s)

intend to harvest in compliance with the *Vibrio Parahaemolyticus* Control Plan summertime harvesting restrictions presented above.

Signature of Applicant

Date

Signature of Co-Applicant

Date

5. The leaseholder agrees to comply with all statutory and regulatory requirements that govern shellfish harvest and handling.
6. Application is hereby made for a permit or permits to authorize the work described in this application. 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 U.S. is considered a discharge of fill under the Clean Water Act and requires Corps authorization. The leaseholder understands that a permit from the Army Corps of Engineers must accompany the lease issued by the Department of Natural Resources before any commercial aquaculture activities may be conducted on the lease.
7. I hereby certify that the proposed activity will be carried out in a manner consistent with the State's Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.

Signature of Applicant

Date

Signature of co-Applicant

Date

Mail to: Maryland Department of Natural Resources
 Fisheries Service, Aquaculture Division
 Attn: Lease Application Review
 580 Taylor Avenue, C-2
 Annapolis, MD 21401