

**U.S. Army Corps  
of Engineers  
Baltimore District**

# Public Notice

In Reply to Application Number  
**CENAB-OP-RMS (True Chesapeake Oyster Company  
LLC/Aquaculture) 2011-60116**

PN 15-55

Comment Period: September 11, 2015 to October 12, 2015

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army (DA) Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899, as described below:

APPLICANT: True Chesapeake Oyster Company, LLC  
49944 Airedele Road  
Ridge, Maryland 20680

LOCATION: In the Chesapeake Bay north of the mouth of St. Jerome's Creek near Scotland, St. Mary's County, Maryland

WORK: The purpose of the proposed project is to expand the existing project area to commercially raise oysters to marketable size.

Four existing areas within approximately 4.9 acres of tidal open waters within St. Jeromes Creek near 49944 Airedele Road in Ridge, St. Mary's County, Maryland have been approved by the Corps for oyster aquaculture, utilizing oyster aquaculture cages placed on the bottom and/or oyster aquaculture floats installed at the water's surface or depositing shell on the bottom substrate within the project location. The applicant has proposed to modify the authorized work to include the following:

To establish, operate, and maintain an oyster cultivation site in the water column for purposes of culturing *Crassostrea virginica* (Eastern Oyster) within an approximate 18.4-acre area extending a minimum distance of approximately 1,001 feet channelward of the approximate mean high water shoreline and a maximum distance of approximately 1,950 feet channelward of the approximate mean high water shoreline, as shown on the attached plans. The coordinates are as follows:

Corner	Latitude	Longitude
1	38° 07' 17.0" N	76° 19' 44.1" W
2	38° 07' 21.8" N	76° 19' 53.8" W
3	38° 07' 29.1" N	76° 19' 47.4" W
4	38° 07' 24.5" N	76° 19' 38.1" W

The applicant proposes to deploy, as necessary, a maximum of 3,500 3-foot wide by 4-foot long and 1.5-foot high oyster cages, extending a maximum of approximately 1.5 feet

above the bottom substrate. The cages would be placed a minimum of approximately 5 feet apart in rows along a long line and anchored at each end to the bottom substrate. Each row would be marked with one vertical line and a marker buoy at the end. One vertical line with a marker buoy would be placed every 25 cages in each row. Cages would be placed approximately 50 feet from the approximate edge of the lease. Lines would be spaced approximately 25 feet apart. Rows would be spaced 25 to 50 feet apart throughout the project site. The project corners would be marked with 9-inch by 4-inch buoys with one vertical line each. The proposed vertical clearance above cages on the bottom would vary from 6 feet 2 inches to 9 feet 2 inches at mean lower low water (MLLW), depending on the location within the project area.

The project would include a total maximum of 160 slack vertical lines and 20 horizontal lines (8.7 vertical lines and 1.1 horizontal lines per acre), 3,500 cages, and 160 buoys within the project area.

Average water depths at the proposed project site are approximately -7.7 to -10.7 feet at MLLW. The continued operation of the aquaculture activity involves removing and replacing the cage/float structures within navigable waters of the United States on a recurring basis.

All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Laura Shively of this office at (410) 962-6011 or via email at [laura.shively@usace.army.mil](mailto:laura.shively@usace.army.mil).

The cages would be set and retrieved by boat and winch. Staging and off-loading would be at the applicant's property at 49944 Airedele Road in Ridge, St. Mary's County, Maryland. The primary source for the oyster seed would be supplied by Oyster Seed Holdings in Hudgins, Virginia and/or Horn Point Hatchery in Cambridge, Maryland.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable. This area was chosen to minimize potential impacts to submerged aquatic vegetation (SAV), waterfowl concentration areas, and navigation. According to the Virginia Institute of Marine Science (VIMS) survey maps, there is no SAV mapped within the project footprint of the proposed aquaculture operation for years 2009 through 2013. No mitigation measures are proposed by the applicant.

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 (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH).

The project site lies in or adjacent to EFH as described under Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for Red hake (*Urophycis chuss*) juvenile and adult; *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; Atlantic sea herring (*Clupea harengus*) adult; *Pomatomus saltatrix* (blue fish) juvenile and adult;

*Paralichthys dentatus* (summer flounder) larvae, juvenile, and adult; scup (*Stentomus chrysops*) juvenile and adult; black sea bass (*Centropristus striata*) juvenile and adult; and eggs, larvae, juvenile, and adult stages of Atlantic butterfish (*Peprilus tracanthus*), *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), all managed species under the MSFCMA.

The project does not comprise the potential to adversely affect EFH or the species of concern by the alteration of spawning, nursery, forage and/or shelter habitat. This habitat consists of a mostly sand, silt, and mud substrate which does not support SAV.

The Baltimore District has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended at this time to minimize adverse effects on EFH. This preliminary determination may be modified if additional information indicates otherwise and could change the Corps' preliminary determination.

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 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. 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 District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland, 21203 within the comment period specified above.

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 (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination.

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

A preliminary review of this application indicates that the proposed work may affect, but is not likely to adversely affect Federal 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.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

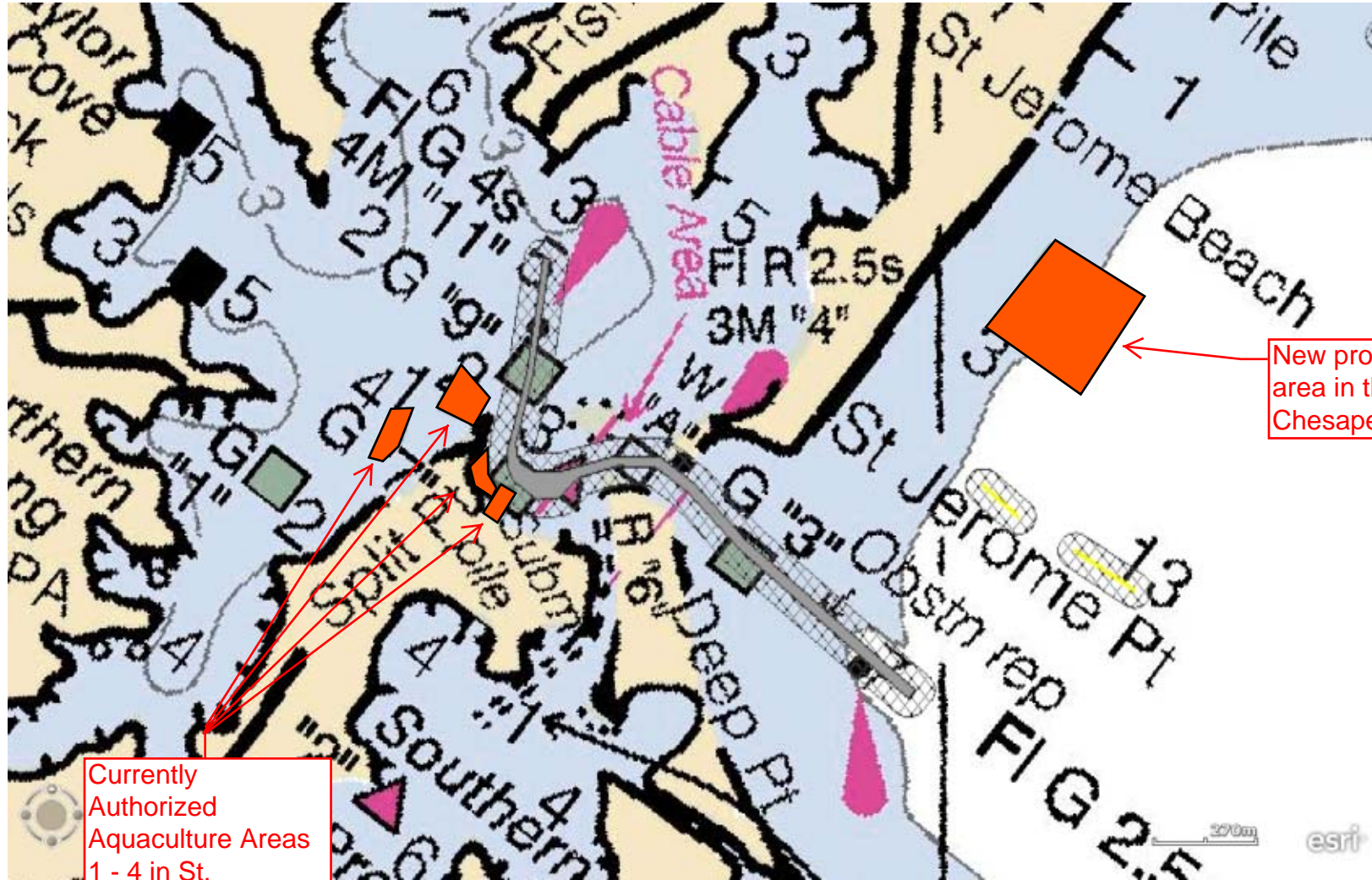
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, 21203-1715, within the comment 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.

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

FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON  
Chief, Maryland Section Southern

True Chesapeake Oyster Overview Map

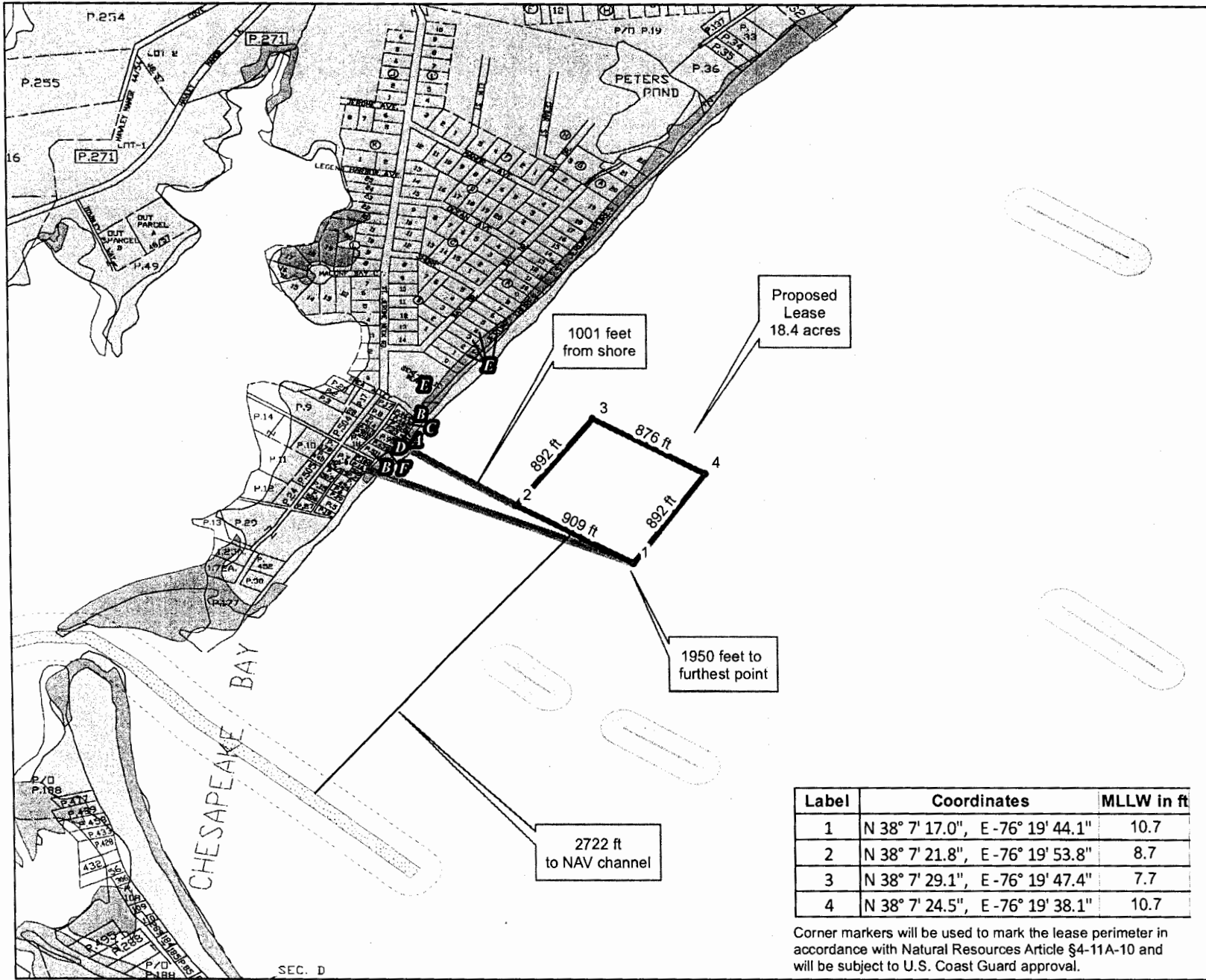


Currently Authorized Aquaculture Areas 1 - 4 in St. Jerome's Creek

New proposed area in the Chesapeake Bay

# Proposed Shellfish Water Column Lease Overview Map

## True Chesapeake Oyster Company, LLC.#241 - Chesapeake Bay, St. Mary's County Maryland



- Proposed Lease
- Land-Based-Sanctuaries and Refuges (state, federal, private, etc)
- Submerged Aquatic Vegetation (VIMS)
- Structures (Piers, Marinas, etc)
- Wetlands of Special State Concern (MD-DNR)
- Active Shellfish Lease
- Proposed Shellfish Lease
- Tidal Wetlands (NWI Wetlands) (excludes E1 type)
- Federal Navigational Channels (US Army Corps)
- 150 foot Channel Boundary (MD-DNR)
- Registered Pound Net Site and 150 ft. buffer (MD-DNR)

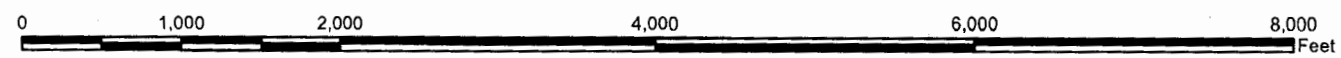
Also shown on this map is Maryland State Tax data from the MD Property View CD Series (Maryland Department of Planning).



**Larry Hogan**  
*Governor*  
**Boyd K. Rutherford**  
*Lt. Governor*  
**Mark J. Belton**  
*Secretary*

Label	Coordinates	MLLW in ft
1	N 38° 7' 17.0", E -76° 19' 44.1"	10.7
2	N 38° 7' 21.8", E -76° 19' 53.8"	8.7
3	N 38° 7' 29.1", E -76° 19' 47.4"	7.7
4	N 38° 7' 24.5", E -76° 19' 38.1"	10.7

Corner markers will be used to mark the lease perimeter in accordance with Natural Resources Article §4-11A-10 and will be subject to U.S. Coast Guard approval.

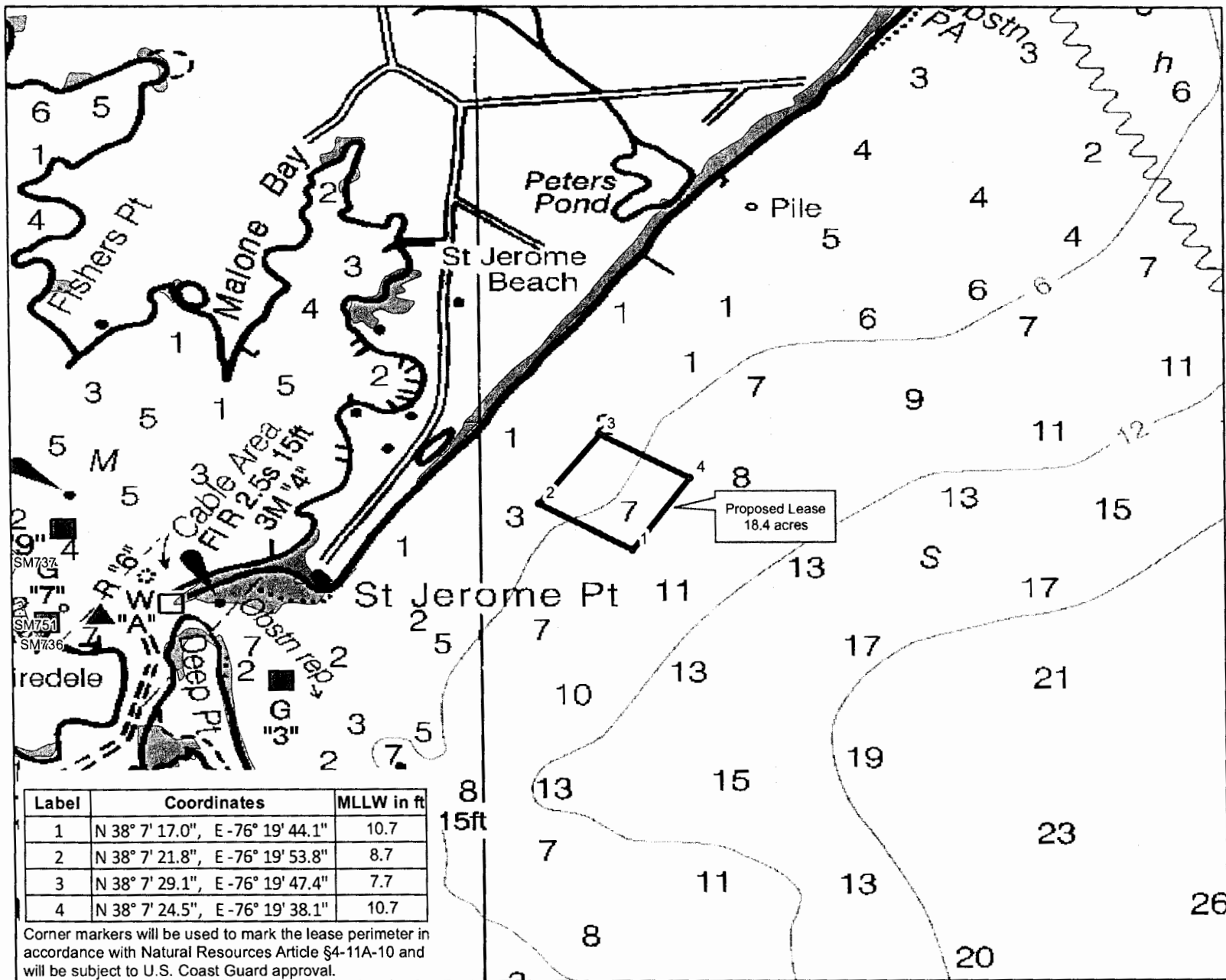


Maryland Department of Natural Resources  
 Geospatial Information and Analysis  
 580 Taylor Ave. E-2 Annapolis, MD 21401  
 410-260-8985 or 1-877-620-8DNR x8985  
 dnr.maryland.gov  
 DNR July 2015

H.A.

# Proposed Shellfish Water Column Lease NAV Chart Map

## True Chesapeake Oyster Company, LLC.#241 - Chesapeake Bay, St. Mary's County Maryland



- Lease Area shown over NOAA Raster Navigational Charts.
- Proposed Lease
  - Land-Based-Sanctuaries and Refuges (state, federal, private, etc)
  - Submerged Aquatic Vegetation (VIMS)
  - Structures (Piers, Marinas, etc)
  - Wetlands of Special State Concern (MD-DNR)
  - Active Shellfish Lease
  - Proposed Shellfish Lease
  - Tidal Wetlands (NWI Wetlands) (excludes E1 type)



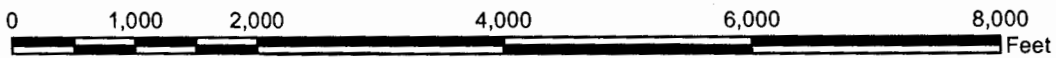
**Lawrence J. Hogan, Jr.**  
*Governor*  
**Boyd K. Rutherford**  
*Lt. Governor*  
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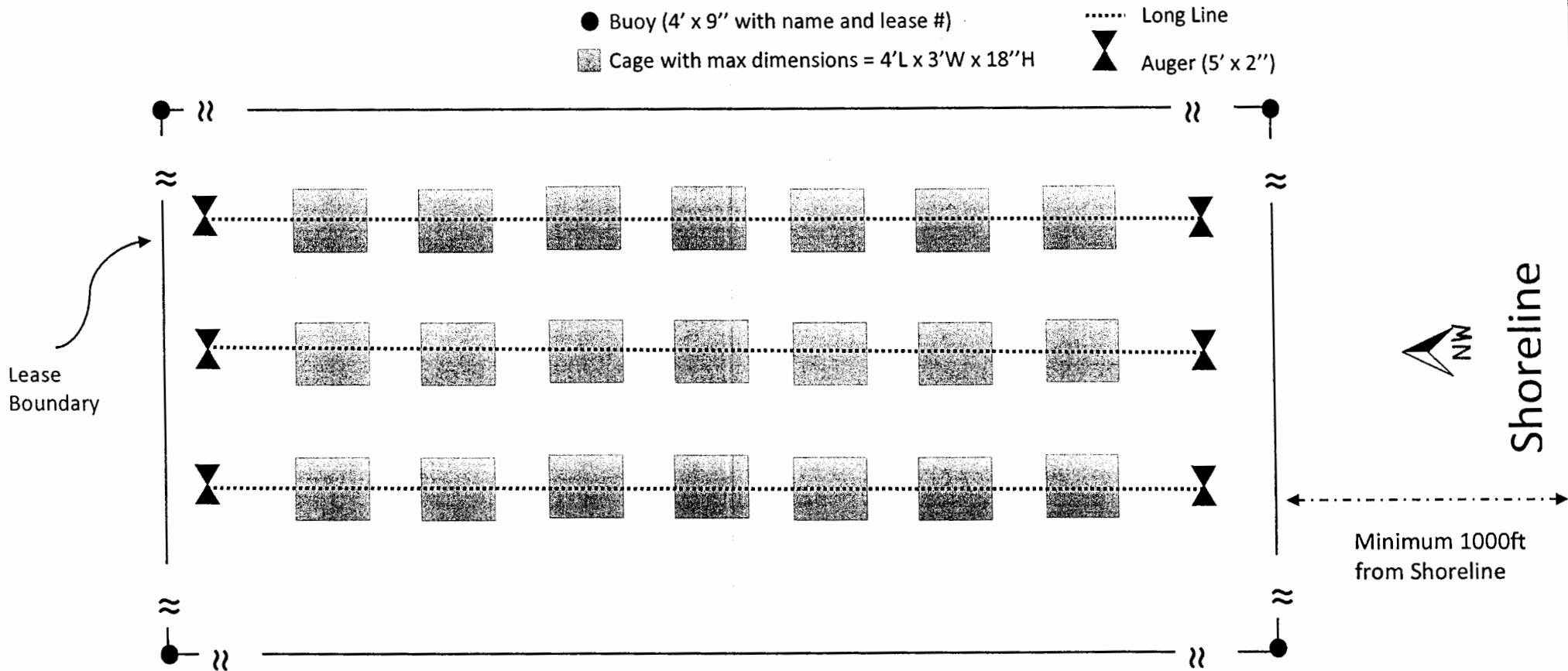
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JTB.

True Chesapeake Oyster Co. #241  
 Layout of Equipment on  
 Proposed Water Column Lease

True Chesapeake Oyster Co.  
 Ridge, Maryland  
 St. Jerome Pt  
 November 2014



Spacing between individual cages: 5 to 10 ft

Spacing between lines/arrays of cages: 25 to 50 ft

Maximum number of cages to be used: 3,500

Rows of cages will be set back ~ 50 Ft. from lease boundaries


Maximum Rows of cages: 20 rows, 175 cages max. per row

Maximum # of vertical lines: 160 - vertical lines put at each end of every main line & every 25 cages. Each line is marked with a buoy.

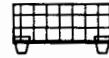


# Cross-Section Diagram for Proposed Water Column Lease #241

Name/Business: True Chesapeake Oyster Company, LLC  
 Town, State: Ridge, MD  
 Waterbody: Chesapeake Bay  
 Date: July 2015

 Corner marker with applicant contact info (see insert for details)

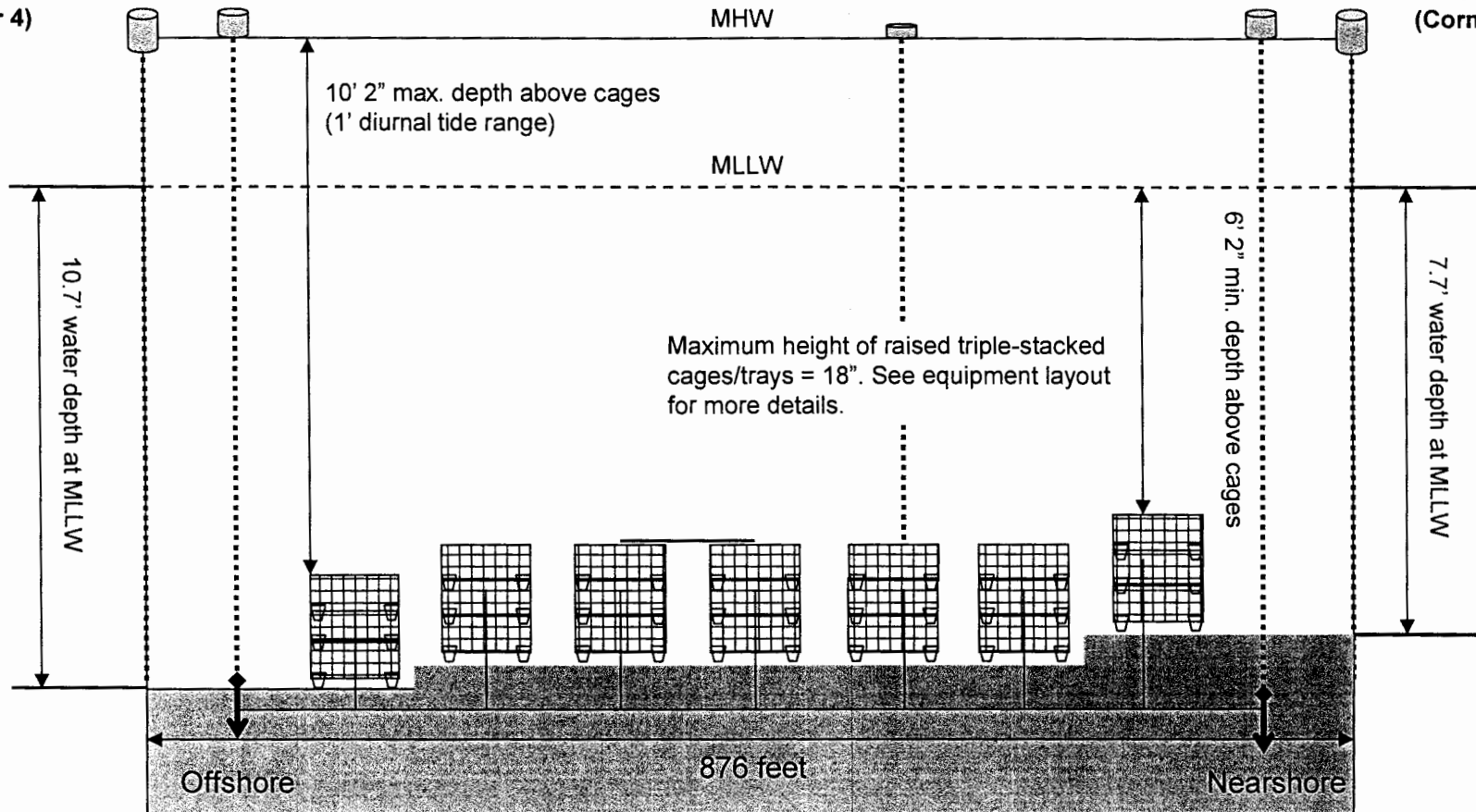
MHW = mean high water  
 MLLW = mean lower low water



Single cage with max dimensions = 3' x 4' x 4"  
 (bottom unit has 6" risers)

38' 7' 24.5" N  
 76' 19' 38.1" W  
 (Corner 4)

38' 7' 29.1" N  
 76' 19' 47.4" W  
 (Corner 3)



ILC