



U.S. Army Corps of  
Engineers  
Baltimore District

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



Maryland DNR  
Aquaculture and Industry  
Enhancement Division

**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:**

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

If you wish to apply for both a Submerged Land Lease and a Water Column Lease on the same site, you must submit a separate application and fee for each.

**Received Date (stamp below)**

**Paid Date:** \_\_\_\_\_

**For office use only**

**PART I – All Applicants**

**Primary Applicant Information** (name as it should appear on legal documents)

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 shellfish aquaculture leases, tidal wetlands licenses or Corps permits held or pending:

\_\_\_\_\_

\_\_\_\_\_

**If any Applicant is a business, please complete / attach the following documentation:**

State of Incorporation / Organization: \_\_\_\_\_

Is the business organized under the laws of the state of Maryland?

Yes  No

If a corporation, is more than 50% of the stock in the corporation owned by residents of the State of Maryland?

Yes  No  N/A

SDAT ID#: \_\_\_\_\_  
(If you do not know what this is, see <http://dat.maryland.gov/>.)

- Full legal name and title of primary contact (with signatory authority)
- Contact's address, telephone number(s), and email address
- Copy of the Articles of Incorporation, Operating Agreement, and Certificate of Good Standing (LLC), Bylaws (Inc. or Non-profit), General Partnership Agreement, etc.

**Co-Applicant Information** (name as it should appear on legal documents)

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 shellfish aquaculture leases, tidal wetlands licenses or Corps permits 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 or business dissolution, 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**

Check one lease type that you are applying for with this application and indicate whether or not it falls within an oyster sanctuary:

Submerged Land Lease (on-bottom culture, no gear)  
 within an oyster sanctuary\*

Water Column Lease (cages and/or floats)  
 within an oyster sanctuary\*

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 type(s) at the proposed lease site (i.e. sand, silt, shell, mud, etc.) and give approximate proportions (%) of each:  
\_\_\_\_\_  
\_\_\_\_\_

\*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 sanctuary acreage. Thus, some tributaries may already have reached maximum leasing capacity. Please consult with Department staff to confirm acreage availability prior to submitting an application within a sanctuary. Sanctuary leases may not be located within 150' of any Yates Bar, as defined in Natural Resources Article §4-11A-01, and must be compatible with oyster restoration. An oyster survey may be required.

Does the applicant or any co-applicant own all of the shoreline adjacent to the proposed lease?\*

Yes  No

\*If the applicant or any co-applicant is not the sole riparian owner/legal tenant or does not provide written 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. We recommend a proactive approach to notifying adjacent landowners of your project plans in advance of submitting your application in order to help alleviate potential conflicts or concerns.

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

Attach an accurate 8 1/2 by 11 inch tax map, NOAA chart, or topographic map, with a maximum scale of 1:24,000 (USGS Quad Sheet), showing the location of the proposed lease site/project area and the surrounding waters and adjacent properties. Mark the entire boundary, including the corners, of your proposed lease/project area on the map, ensuring that the area is relatively easy to identify. A map generated by the MD DNR Aquaculture Siting Tool is acceptable also (<http://dnrweb.dnr.state.md.us/fisheries/aquatool/aquatool.asp>).

Vicinity map attached?  Yes  No

A lease application within any creek, cove, bay, or inlet that is less than 300 feet wide at its mouth at mean low tide can only be submitted by the riparian owner or lawful occupant and requires submission of a copy of the most recent legally recorded plat map showing surveyed boundaries of the adjacent property. A riparian lease must be located within an area bounded by property lines extended and not more than half the width across the waterway. Plat map attached?  Yes  No  N/A

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 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 (ingress/egress) for adjacent landowners, etc.) while supporting vigorous shellfish growth.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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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:

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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: [mde.maryland.gov/Pages/index.aspx](http://mde.maryland.gov/Pages/index.aspx).

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 maximum distance that they extend above the bottom or location/depth at the surface if floats are 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 configuration and specify marker type;
- Provide a legend with the applicant/company name, county and state, waterbody name, and date.

Cross-section diagram(s) 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:

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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

Will any staging activities occur in wetlands?       Yes       No

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:

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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 or structures on piers 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:

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**Note: The Department of Natural Resources does not have the authority to review or permit construction activities for certain structures in navigable waters related to this application. Please contact the Maryland Department of the Environment and/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:

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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 a new nursery operation to support this lease? (check all that apply and specify if in-water, on pier and/or land-based):

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

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

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Land-based shellfish nursery facilities (including hatcheries) of any size and in-water shellfish nursery facilities up to 200 ft<sup>2</sup> are permitted separately by the Department (see COMAR 08.02.23.08). To apply, please complete a Shellfish Nursery Permit Application, available online or by request from the Department.

Under certain circumstances, a nursery operation or related structures may be subject to approval by the Maryland Department of the Environment and /or U.S Army Corps of Engineers.

An in-water nursery facility larger than 200 ft<sup>2</sup> 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 and Marking 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(s) and address(es) of intended shellfish seed source:

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**Note: Live shellfish of any size (including larvae) or shell imported across state lines requires an approved import permit. A Shellfish Import Permit Application is available by contacting the Department or by downloading it from the Aquaculture Division web site ([http://dnr.maryland.gov/fisheries/Documents/Application\\_Import\\_Shellfish\\_12-09-16.pdf](http://dnr.maryland.gov/fisheries/Documents/Application_Import_Shellfish_12-09-16.pdf)).**

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

- oyster shell (base material)
  - cages containing live oysters
  - other shell (base material): \_\_\_\_\_
  - floats containing live oysters
  - spat-on-shell planted on bottom
  - lines (vertical and/or horizontal)
  - bags/nets (for predator exclusion)
  - anchors/augers
  - other predator exclusion devices: \_\_\_\_\_
  - marker buoys/stakes
  - other: \_\_\_\_\_
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Describe your lease corners markers in detail. Please list the material(s), total dimensions, shape, color(s), reflectors/lighting and any writing that will be visible on the marker, and indicate how it will be anchored. Attach a labeled sketch or photo as an example:

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Per COMAR 08.02.23.03, a leaseholder shall place a minimum of four poles at the corner of the lease perimeter and mark each pole with an 8-inch by 12-inch marker displaying only the initials or name of the leaseholder and the lease number.

Per COMAR 08.02.23.02, a "pole" is defined as a buoy, float, or stake used to mark a leased oyster bottom.

How much shell and/or spat-on-shell do you anticipate planting on all or a portion of the lease? \_\_\_\_\_ inches

**The materials and equipment as well as shell depth specified above should match what is shown on the cross-section diagram(s). Shell depth should represent the maximum amount you might plant in any given spot, as needed. It should not include any shell already present on the site.**

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 and the estimated frequency of activity on the lease.

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

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Estimate below the quantity of shellfish that you expect to plant and harvest, and identify the months of the year for (a) planting/gear deployment, (b) operations/maintenance and (c) harvesting during the initial three years of holding the lease. The requirements for active use of a lease as outlined in Natural Resources Article §4-11A-09 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.

Year 1:

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Year 2:

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Year 3:

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**Public Health Information**

The National Shellfish Sanitation Program (NSSP) is the federal/state cooperative program recognized by the U.S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold 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 coastal marine waters and can multiply rapidly in the warm weather months once shellfish are removed from the water and exposed to ambient air temperatures. The most effective, least costly methods of controlling bacterial growth are to shade shellfish during harvest and refrigerate harvested shellfish promptly.

Maryland's *V. parahaemolyticus* Control Plan requires leaseholders to implement certain control measures in accordance with the Code of Maryland Regulations (COMAR) 10.15.07.06 including the following summertime harvesting restrictions:



**From June 1 through September 30**, a Shellfish Aquaculture Harvester Permittee , Registrant or harvester acting under the authority of the Permittee is required to:

1. Protect harvested oysters from direct sun by providing shade over the area where the harvested oysters are stored;
2. Maintain airflow to the area where the harvested oysters are stored;
3. Designate a **single** site for landing of the harvested oysters;
4. Document the harvest start time on a harvest trip record or harvest tag;
5. Provide the harvest time record to the dealer on delivery; and
6. Deliver harvested oysters to a dealer (licensed and certified by DHMH) for immediate placement under temperature control by the following times on the day of harvest:

**11:30 a.m. from June 1 - June 30**

**10:30 a.m. from July 1 - August 31**

**12:30 p.m. from September 1 - September 30**

While a leaseholder may choose not to harvest oysters during the summertime harvest restriction period, 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 complete without this signature.

I/We, \_\_\_\_\_, hereby declare that I/we intend to  
Print name(s)  
harvest in compliance with the *V. Parahaemolyticus* Control Plan summertime harvesting restrictions above.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent, Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Co-Applicant

\_\_\_\_\_  
Date

**PART II – Description of In-Water Structures**

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**You must complete this section in its entirety if you are applying for a water column lease.**

Images and/or sketches of all gear to be used for shellfish production are required to be included with this application. This includes all cages, floats, bags, anchors, markers, etc. Attached?  Yes  No

For each gear type proposed for use, provide all of the following (use additional pages if necessary):

- Description of gear components (material type, wire gauge, brand, coated/uncoated etc.)
  - Maximum dimensions (length x width x height). If you intend to stack cages, indicate how many cages will be used per stack and the total height of one stacked cage unit, including feet/risers, if applicable.
  - Maximum quantity of gear that you expect to deploy when lease is at full capacity
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Provide an aerial view of the proposed general layout of your cages and/or floats, designating spacing between lines/rows of gear and between individual cages or floats along a line. Also indicate the approximate distance that equipment will be set back from the lease boundaries. Layout attached?  Yes  No

How many horizontal long lines/arrays of gear will be deployed at maximum capacity? \_\_\_\_\_ Line length: \_\_\_\_\_

Will any lines/rows of gear be marked?  Yes  No Marker type/size: \_\_\_\_\_  
Frequency of marking:  Every row  Every \_\_\_\_\_ row in the lease  
Total number of this marker type at maximum capacity of gear on the lease: \_\_\_\_\_

Will any gear, i.e., cages, be marked?  Yes  No Marker type/size: \_\_\_\_\_  
Frequency of marking:  Every cage  Every \_\_\_\_\_ cage in a row  
Total number of this marker type at maximum capacity of gear on the lease: \_\_\_\_\_

Will any anchors/augers be marked?  Yes  No Marker type/size: \_\_\_\_\_  
Frequency of marking:  Every anchor  Every \_\_\_\_\_ anchor in a row  
Total number of this marker type at maximum capacity of gear on the lease: \_\_\_\_\_

How many vertical lines would be used on the lease at maximum capacity for the purpose of anchoring gear and markers to the seafloor, other than what might be used for corner markers? \_\_\_\_\_

The leaseholder will be responsible and liable for equipment, gear and material placed on the lease. The Department requires that all equipment, gear, or manmade material placed on the lease shall be permanently and individually labeled with the lease number and name of the leaseholder. Please provide a description of marking methods and a gear recovery plan that will be utilized to meet this requirement.

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**PART III – All Applicants**

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**Declaration of Intent to Actively Use the Lease Site**

I/We, \_\_\_\_\_, hereby declare that I/we intend to  
Print name(s)  
 actively use the leased area for commercial aquaculture purposes according the Department’s requirements.

\_\_\_\_\_  
 Signature of Applicant or Authorized Agent, Title

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Co-Applicant

\_\_\_\_\_  
 Date

**Acknowledgments**

By signing below, the Applicant(s) hereby state(s) that the information included in this application is true and correct, and that the Applicant(s) understand(s) the following:

1. A lease is not transferrable without written request to the Department of Natural Resources;
2. A lease issued in the name of a sole leaseholder or business entity will automatically terminate and revert to the State upon the death or dissolution of all Lessees;
3. Water column leaseholders are required to carry liability insurance with the Department named as a co-insured according to the terms of the lease agreement and harvester permits will not be issued for a lease until satisfactory documentation of adequate insurance is provided to the Department;
4. The Applicant will accept the lease subject to all the provisions of the Natural Resources Article, Section 4-11A, Maryland Annotated Code, and amendments thereto, as well as the specific provisions that will release and forever discharge the United States, the State of Maryland, or any political subdivision of the State, its agents, contractors, and assigns from any and all manner of actions and damage, whatsoever, whether in law or in equity, which he, as lessee, hereafter can, shall or may have or which his heirs, assigns, executors, or administrators hereafter can, shall or may have against the United States, the State of Maryland or any political subdivision of the State, its agents, contractors and assigns for, or by any reason of, any damage to the proposed lease site that may be caused, directly or indirectly, from dredging, mining, or any public improvement project as well as subsequent maintenance thereof;
5. The annual State rental fee shall be \$3.50 per acre for all submerged land leases and \$25.00 per acre for water column leases, or such rate as hereafter established by regulation of the Department, payable in advance of the rental due date of each year. Any rate change shall be effective on the next annual rental date following promulgation of the rate change regulation;

6. The leaseholder will pay an annual Aquaculture Development Surcharge of \$0.00, or such rate as hereafter established by regulation of the Department, payable in advance of the rental due date of each year.
7. The leaseholder agrees to comply with all statutory and regulatory requirements that govern shellfish harvest and handling.
8. 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, over, or under 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.
9. The Applicant provides consent for the Department to act as a designated agent to the U.S. Army Corps of Engineers on matters of this Application;
10. 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 or Authorized Agent, Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Co-Applicant

\_\_\_\_\_  
Date

Mail to: Maryland Department of Natural Resources  
Fishing & Boating Services  
Aquaculture and Industry Enhancement Division  
Attn: Lease Application Review  
580 Taylor Avenue, B-2  
Annapolis, MD 21401