



DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
ATTN: REGULATORY DIVISION
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

MDSPGP-7
Activity h
Private Landowner Oyster Gardening

The authorized Private Landowner Oyster Gardening activities must comply with the following applicable activity specific conditions, all general conditions of this permit, and any project-specific special conditions.

This activity authorizes the discharge of return water from upland, contained dredged material disposal areas into waters of the United States. The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs on the upland and does not require a Section 404 permit. This activity satisfies the technical requirement for a Section 404 permit for the return water where the quality of the return water is controlled by the state through the Clean Water Act Section 401 certification procedures. The dredging activity may require a Section 404 permit (33 CFR 323.2(d)) and will require a Section 10 permit if located in navigable waters of the United States (Section 404; all waters of the United States).

Category A Impact Limits and Requirements:

- (i) No application is required for Corps authorization.
- (ii) This Category A activity does not authorize the installation of vertical lines.

Category B Impact Limits and Requirements:

- (i) Application must be submitted to MDE for Corps authorization. See Section II.D. for when an application is required to be submitted for Corps review.

Requirements Applicable to Both Category A and Category B Activities:

- (i) The surface area of the floats or cages must not exceed 200 square feet of total coverage of the water column.
- (ii) The native eastern oyster (*Crassostrea virginica*) shall be the species used in the oyster aquaculture activity in the floats.
- (iii) The floats or cages must be attached to existing structures (e.g., piers, pilings, bulkheads, etc.) that are connected to the riparian owner's fast land.
- (iv) This activity does not authorize activities within 50 feet of existing or mapped SAV (documented to exist in the last five years as specified in Section III) beds.
- (v) The riparian owner shall avoid alignment and placement of the structures in such a manner that they would interfere with navigation by the general public.

(vi) The riparian owner shall avoid alignment and placement of the structures in such a manner that they would interfere with ingress and egress from adjacent properties and must be situated to comply with locally established property setback requirements, if any.

(vii) The riparian owner shall clearly mark the floats or cages with his or her name and address.

(viii) If the applicant wishes to include any navigational markers as part of the project, the applicant must prepare and provide for United States Coast Guard approval, a Private Aids to Navigation application CG-2554. The form can be found at this link: <https://www.dcms.uscg.mil/forms/smdsearch4081/2554/>.

(ix) The riparian owner shall recover all storm-damaged, accident damaged, or dislodged equipment within 48 hours after it is dislodged and shall dispose of such equipment in accordance with state and local ordinance.

(x) The riparian owner shall not cover, dredge, or otherwise alter or destroy any SAV (documented to exist in the last five years as specified in Section III) or tidal wetlands as a result of the deployment and/or storage of the floats and other equipment associated with the aquaculture operation.

(xi) The riparian owner shall not commercially harvest, sell, or market any of the shellfish for human consumption.

(xii) The riparian owner shall not use chemical therapeutics to treat shellfish held or raised under this authorization for diseases, parasites, or to enhance the physical condition of the shellfish.

(xiii) The riparian owner shall not possess a total number of shellfish that exceed 10,000 per site.

(xiv) The riparian owner shall obtain oyster seed from a Maryland vendor or obtain an approved Shellfish Import Permit from the MD DNR.

(xv) The riparian owner must not collect or release oysters without having obtained beforehand a valid Collection or Stocking permit from MD DNR.

(xvi) This activity does not authorize artificial reefs.

(xvii) This activity does not authorize impoundments and semi-impoundments of waters of the United States.

(xviii) The riparian owner shall maintain accurate records on the amount of shellfish placed in structures or floats and record the disposition of the shellfish. Reports shall be submitted annually and include name and address of riparian owner, location of floats,

amount of shellfish raised, and final use (resource enhancement, restoration, or consumption by the riparian owner or others), including the location shellfish were moved to for enhancement or restoration activities. Reports shall be submitted to the State Shellfish Division by December 31 annually.