



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

October 2, 2019

Mr. Christopher Mitchell
Ms. Terrin Mitchell
8057 Farm House Drive
Hebron, MD 21830

Re: Agency Interest Number: 166071, Tracking Number: 19-WQC-0006

Dear Mr. Christopher Mitchell and Ms. Terrin Mitchell:

The U.S. Army Corps of Engineers (USACE) determined that a separate review and issuance of the federal permit will be required from the USACE for the project. Since your project did not qualify for approval under the Maryland State Programmatic General Permit (MDSPGP) issued by the USACE for qualifying projects, it requires an individual Water Quality Certification (WQC) to be issued by the Maryland Department of the Environment (the "Department" or "MDE").

Attached please find a copy of the Individual Water Quality Certification, 19-WQC-0006. Please take a moment to read and review your WQC to ensure that you understand the limits of the authorized work and all of the general and special conditions. As noted, the USACE is conducting an individual review of your application and any correspondence or approvals will come under separate cover from USACE. The federal permit is not attached. The Maryland Department of Natural Resources (DNR) requires an Aquaculture Shellfish Lease for these activities. The DNR approval will come under separate and is not attached.

This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please contact me at hnelson@maryland.gov or 410-537-3528 with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Heather L. Nelson".

Heather L. Nelson, Associate Program Manager
Wetlands and Waterways Program
Water & Science Administration

Attachments: 19-WQC-0006 & Attachments

cc: Woody Francis, ACOE
Karl Roscher, DNR
Compliance Program, WSA, MDE

**STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION**

WATER QUALITY CERTIFICATION

CERTIFICATION NUMBER: 19-WQC-0006

ISSUED TO: Mr. Christopher Mitchell and Ms. Terrin Mitchell
8057 Farm House Road
Hebron, MD 21830

PROJECT LOCATION: Wicomico River, Commercial Shellfish Aquaculture Lease,
Somerset County

EFFECTIVE DATE: October 2, 2019
EXPIRATION DATE: December 31, 2029

Agency Interest Number: 166071

Description of Certified Project: To establish, operate, and maintain an oyster aquaculture operation on the bottom substrate for purposes of culturing *Crassostrea virginica* (Eastern Oyster) by dredging/dragging/scraping existing shell on bottom to clean, and then depositing an approximate 2-inch layer of shell and/or spat on shell on the bottom, without predator controls, in the Wicomico River, near Mt. Vernon, Somerset County, Maryland. The site is composed of sand and mud substrate throughout the project area, and the current water depths within the project location vary from -4.8 feet to -16.8 feet at mean lower low water (MLLW), depending on the location within the project area. The project area is located a minimum of 397 feet channelward of the approximate mean high water (MHW) shoreline and a maximum of 1,323 feet channelward of the approximate MHW shoreline. A maximum of six (6) project corners will be marked with an 8-inch by 12-inch placard attached to a bamboo pole. The applicant has advised that the proposed submerged land lease area would be subject to periodic dredging and additional deposition of spat on shell, as needed, to maintain the site.

In a Public Notice issued on July 1, 2019, the U.S. Army Corps of Engineers (ACOE) requested a Maryland Water Quality Certification for the project and that a decision is issued within one year from the date of the Public Notice. Also in the July 1, 2019 Public Notice issued by the ACOE they requested State concurrence or objection to the applicant's consistency statement in accordance with the Coastal Zone Management Program and that a decision be made within 6 months from the date of the Public Notice.

This water quality certification is issued under authority of Section 401 of the Federal Clean Water Act and its Amendments, Title 9, Subtitle 3 of the Environment Article, and Code of Maryland Regulations (COMAR) 26.08.02.10. This certification does not relieve the Certification Holder from the responsibility to obtain any other approvals, licenses or permits in accordance with federal, State, or local requirements. The Maryland Department of the Environment has determined from a review of the application file that

the project described above will not violate Maryland's water quality standards, provided that the following conditions are satisfied.

The Certification Holder shall comply with the following conditions:

SPECIAL CONDITIONS

- A. A Maryland Department of Natural Resources Shellfish Aquaculture Lease must be obtained prior to commencing work for aquaculture activities.
- B. All work is to be completed in accordance with the federally issued Army Corps of Engineers authorization and its attached plans, including any modifications.
- C. This certification shall be extended concurrent with any subsequent Army Corps of Engineers permit expiration upon notification to the Department of the new federal permit expiration date within 10 days of issuance by the Army Corps of Engineers.
- D. If a new application is required to be submitted to obtain federal authorization from the Army Corps of Engineers for this project as described in this Certification, due to permit expiration or significant project modifications requiring a new federal authorization be issued, a new Water Quality Certification application shall be submitted to the Maryland Department of the Environment.

GENERAL CONDITIONS

- A. The proposed project shall be constructed in a manner which will not violate Maryland's Water Quality Standards as set forth in COMAR 26.08.02. The applicant is to notify this Department ten (10) days prior to commencing work. Verbal notification is to be followed by written notice within ten (10) days.
- B. The Maryland Department of the Environment has determined that the proposed activities comply with, and will be conducted 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.
- C. The Certification Holder shall notify the Water and Science Administration, Wetlands and Waterways Program, in writing, upon transferring property ownership or responsibility for compliance with these conditions to another person. The new owner/operator shall request, in writing, transfer of this Water Quality Certification to his/her name.
- D. The Certification Holder shall allow representatives of the Maryland Department of the Environment to inspect the authorized activities. In granting this certification, the Department reserves the right to inspect the operations and records regarding this project at anytime

- E. The Certification Holder shall ensure that a copy of this Certification, including the approved plans, is available at the site until the authorized work is complete.
- F. The Certification does not relieve the Certification holder from the responsibility of obtaining all necessary federal, State, and local government authorizations.
- G. The Certification Holder shall comply with all Army Corps of Engineers requirements and obtain all necessary authorizations from the Army Corps of Engineers. This Certification does not constitute authorization for the Army Corps of Engineers.
- H. The Water Quality Certification shall indemnify, defend, and save harmless the State of Maryland, its officials, officers, and employees from and against any and all liability, suits, claims, and actions of whatever kind, caused by or arising from, the work this Water Quality Certification authorizes.
- I. The Maryland Department of the Environment may modify, suspend, or revoke this Water Quality Certification in its reasonable discretion.
- L. Failure to comply with these conditions shall constitute reason for suspension or revocation of the Water Quality Certification, and legal proceedings may be instituted against the Certification Holder in accordance with the Annotated Code of Maryland.

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

10/2/2019

DATE

Agency Interest Number:
Water Quality Certification Number: 19-WQC-0006
Effective Date: October 2, 2019
Expiration Date: December 31, 2029

Enclosure:
Plans and maps dated February 2019 and December 26, 2017 with attachments

cc: Karl Roscher, DNR
Woody Francis, ACOE
WSA Inspection & Compliance Program

Cross-Section Diagram for Proposed Submerged Land Lease #438

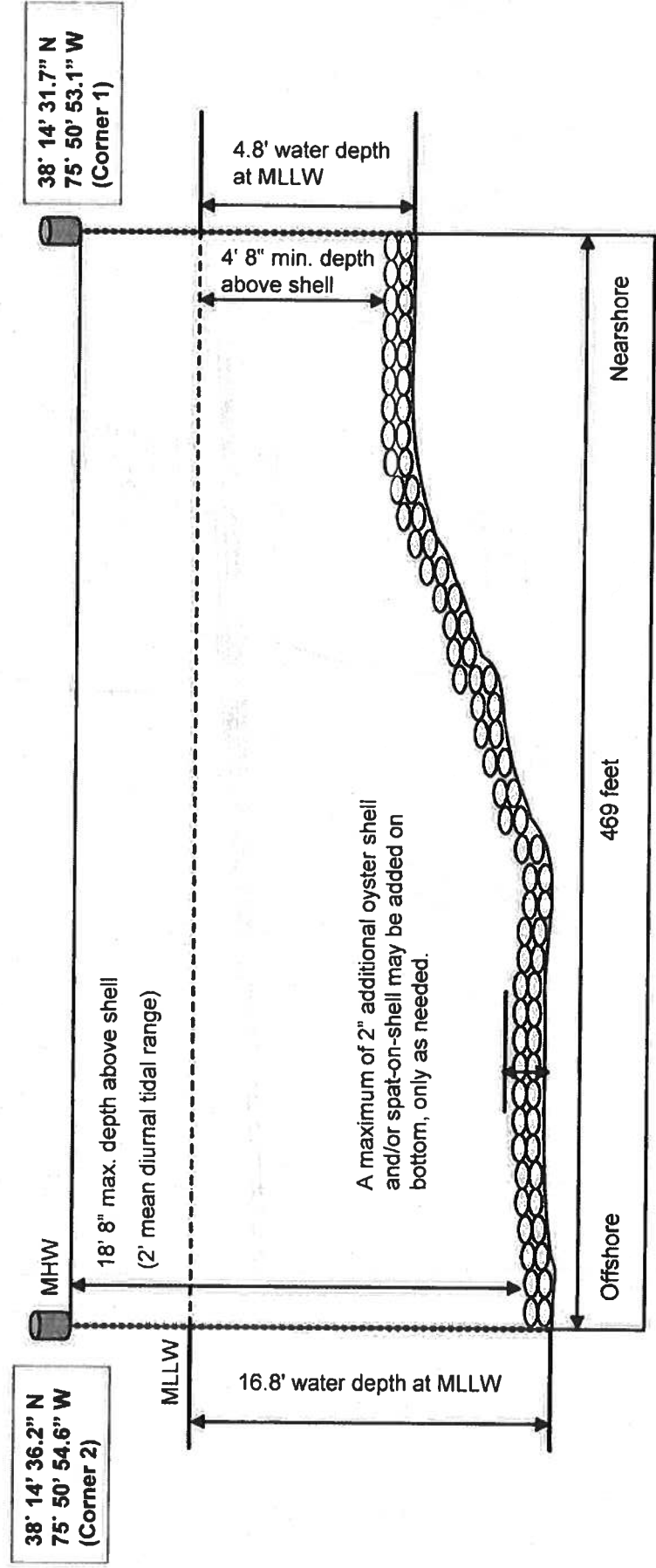
Name: Christopher & Terrin Mitchell
 Town, State: Mt. Vernon, MD
 Waterbody: Wicomico River
 Date: February 2019

J.C.

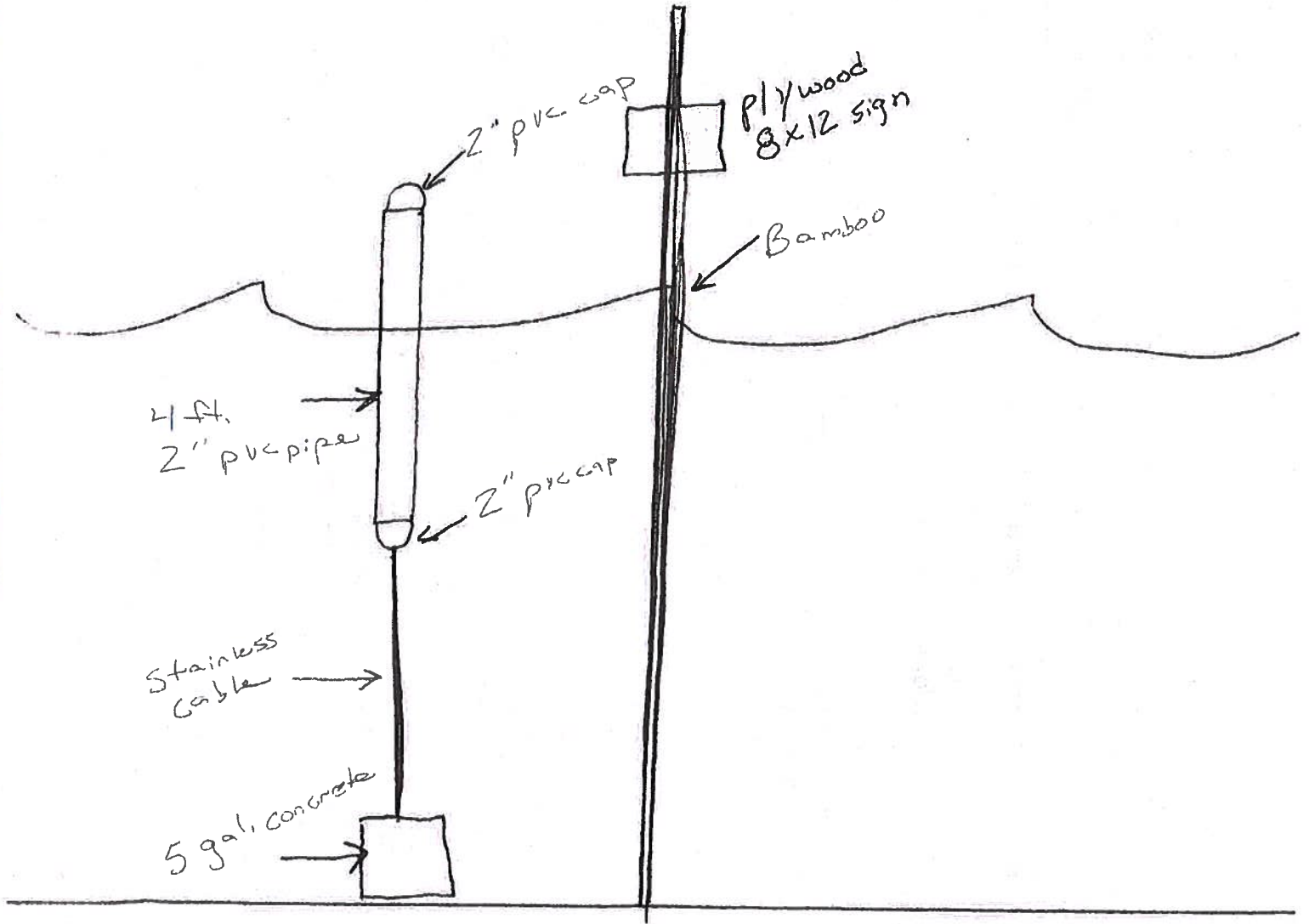
 Corner markers with applicant contact info (see pg. 7 and sketch insert for details)

MHW = mean high water

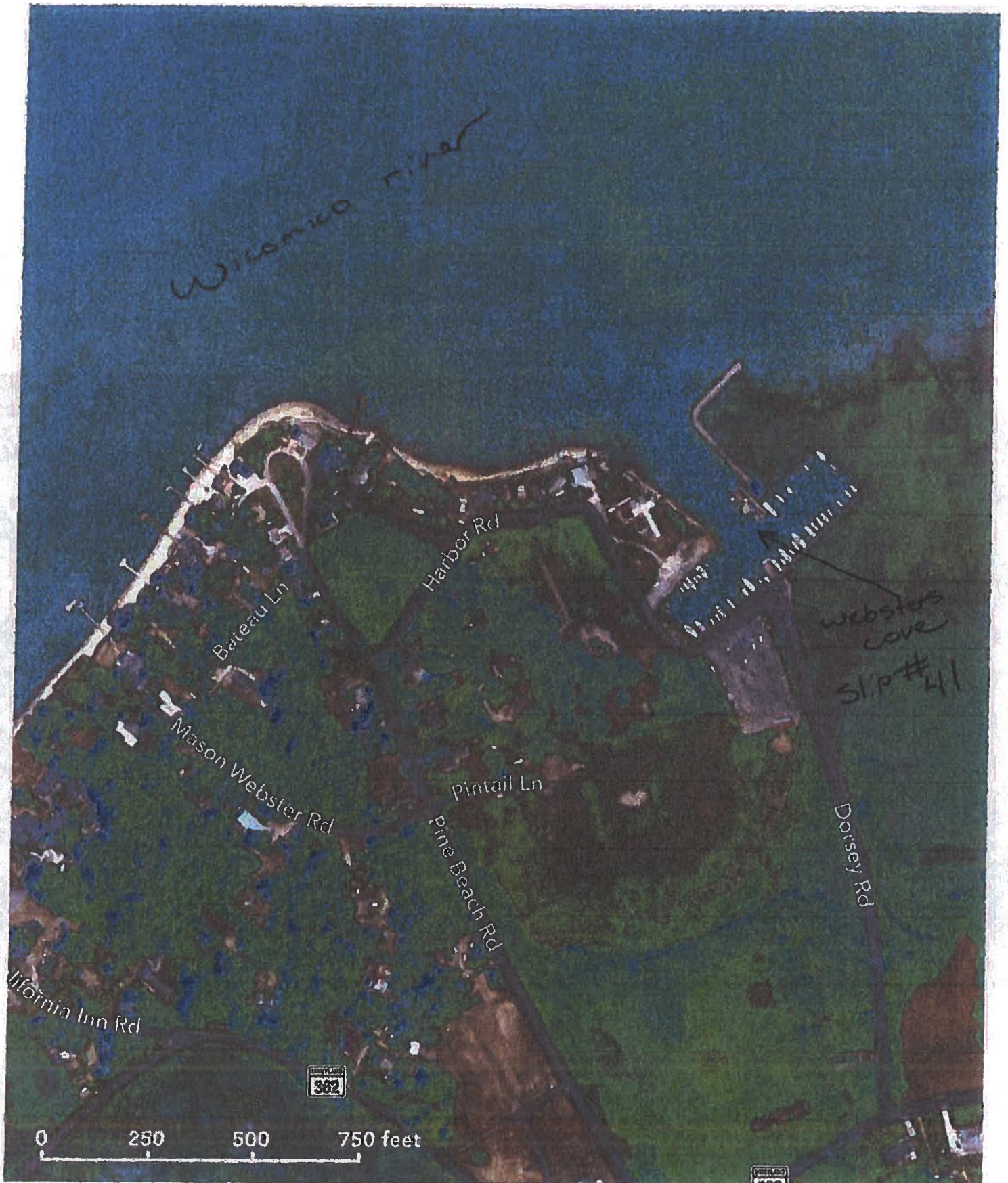
MLLW = mean lower low water



Corner Marker Configuration

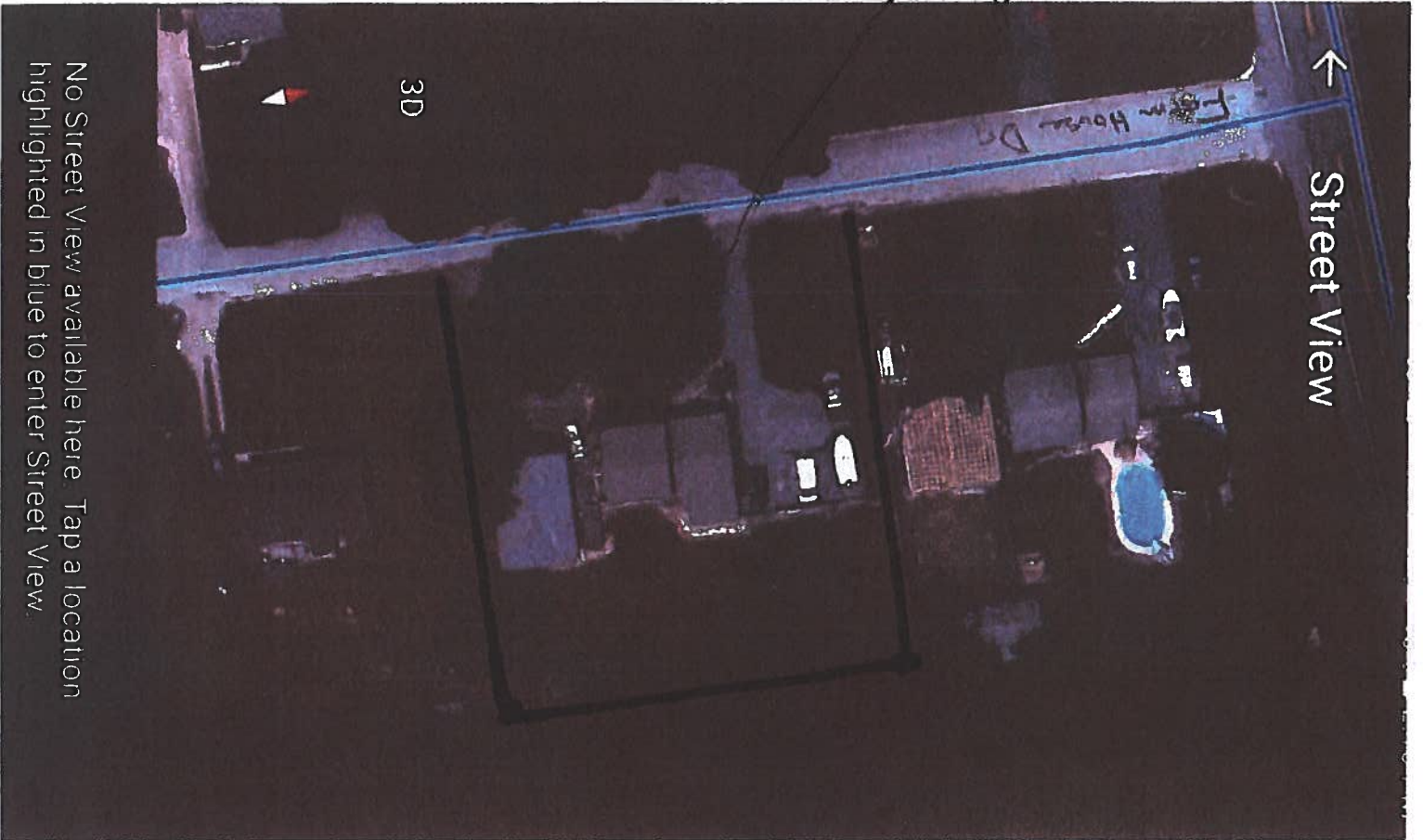


Chris & Terrin Mitchell
Hebron, MD
Wilomico River
December 26, 2017



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Hebron, MD
Wilcomico River
December 26, 2017

3057 Farm House D
Hebron MD 21830



Chris & Terin Mitchell
Hebron, MD
Wisconsin Ave
December 26, 2017