



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration
80 Calvert Street, Room 117, Annapolis, Maryland 21401
410-260-7791

Wes Moore
Governor

Dereck E. Davis
Treasurer

Brooke Lierman
Comptroller

John T. Gontrum, Esq.
Executive Secretary

WETLANDS LICENSE NO. 22-0268(R1)
EVERGREEN MARINE CORP (TAIWAN) LTD

A minor modification (pursuant to COMAR 23.02.04.17.B.(1)) was made to the original license. Changes to original license language are shown with a strikethrough, and revisions shown with bold type

The Maryland Board of Public Works authorizes you to:

- I. Mechanically dredging an area of 170,056 square feet around the stern of the vessel, an area of 132,159 square feet around the starboard side of the vessel, and 99,205 square feet around the port of the vessel resulting in a total of 401,420 square feet to a maximum depth of 47.1 feet at mean low water; and to deposit approximately 213,872 cubic yards of dredged material in the upland placement cell at the Poplar Island Ecosystem Restoration Project
- II. Mitigate for 624,485 square feet of impacts to a natural oyster bar and open water habitat due to dredging and grounding of the vessel. The mitigation project will consist of 41 acres of oyster enhancement / seeding for both public and sanctuary oyster bars of which approximately 29 acres of oyster enhancement / seeding will be to public oyster bars in the Anne Arundel County Main Bay and the South River areas, and approximately 12 acres to oyster sanctuary bars in Anne Arundel County, or to nearby counties if deemed appropriate by the Maryland Department of Natural Resources. Prioritization will be made for sites in Anne Arundel County.

Chesapeake Bay, adjacent to the Craighill Channel near Downs Park, Pasadena, Anne Arundel County, MD

Issuance of this Tidal Wetlands License constitutes the State's determination that the authorized activities are consistent with the Maryland Coastal Zone Management Program (CZMP), as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended [16 U.S.C. §1456]. Accordingly, the State concurs with the Licensee's certification in the Joint Permit Application that the project complies with and will be conducted in a manner consistent with the Maryland CZMP.

THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU COMPLY WITH THE FOLLOWING SPECIAL CONDITIONS:

- A. This License provides no justification or assurances for future dredging. All proposed dredging projects shall be evaluated on the biological and physical characteristics of the project site at the time an application is made.
- B. The Licensee shall perform a minimum of 41 acres of oyster enhancement/seeding as mitigation to offset impacts to 501,350 square feet of a natural oyster bar and 123,135 square feet of open water habitat. The mitigation project will consist of 41 acres of oyster enhancement/seeding for both public and sanctuary oyster bars of which 29 acres of oyster

enhancement/seeding will be to public oyster bars in the Anne Arundel County Main Bay and the South River areas, and 12 acres to oyster sanctuary bars in Anne Arundel County as the priority, or to nearby counties if deemed appropriate by the Maryland Department of Natural Resources.

- C. The Licensee is responsible for funding the mitigation work identified in Special Condition B that will be completed by the Maryland Department of Natural Resources (DNR) that includes but is not limited to producing, transporting, and seeding of spat that is estimated to occur over 2 years during the term of the License.
- D. The Licensee shall submit a single payment of \$676,200 USD to the Maryland Department of Natural Resources (DNR) into the Donation Fund (Fund #~~0367~~ **0326**) to mitigate the impacts to 501,350 square feet of a natural oyster bar and 123,135 square feet of open water habitat. The Licensee is required to submit the payment within 30 days from the date of the invoice from DNR after execution of this License. Failure to comply with this condition will result in automatic suspension of the license. An invoice for payment and instructions will be mailed separately by DNR, Shellfish Division to the Licensee at: Evergreen Marine Corp (Taiwan) Ltd, c/o Polaris Applied Sciences, Inc, Atten: Greg Challenger, 120th NE, Ste 200, Kirkland, Washington 98033, GChallenger@polarisappliedsciences.com.
- E. Licensee shall, in coordination with DNR, submit an annual report to MDE's Tidal Wetlands Division to document the status of the mitigation project no later than December 31 of each year until the mitigation project is completed.
- F. Licensee's mitigation requirement will be deemed complete upon DNR's final implementation of the mitigation requirement as set forth in Special Conditions F, G, and H and all required payments by the Licensee have been received by DNR as invoiced for the mitigation project, and all annual reports required by Special Condition I have been submitted to MDE under the terms of this License.

**THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF
YOU COMPLY WITH THE FOLLOWING STANDARD CONDITIONS:**

- 1. Licensee shall conduct the authorized work in accordance with the plans and drawings dated as accepted by MDE on October 26, 2022, which are hereby incorporated into this License.
- 2. Until the authorized work is complete, Licensee shall have available at the site a copy of this License including the plans and drawings.
- 3. This License constitutes Maryland's authorization to conduct the authorized work under the State Tidal Wetlands Law. This License does not bestow any other federal, State, or local government authorization.
- 4. Licensee shall have all proposed work above Mean High Water reviewed and authorized by the local county Department of Planning and Zoning or applicable agency.
- 5. Licensee shall notify MDE's Compliance Program by BOTH phone AND in writing of the following:
 - (a) start date at least five business days before beginning work; and
 - (b) completion date no more than five business days after project completion.
- 6. Licensee shall comply with any regulations, conditions, or instructions issued by MDE, including any Water Quality Certification issued with respect to the authorized work.
- 7. Licensee shall conduct the authorized work in accordance with Critical Area Commission requirements. This License does not authorize disturbance in the Buffer. If authorized work

Central Division: 410-537-3510 1800 Washington Blvd, Baltimore, MD 21230

will disturb the Buffer, Licensee shall have a Commission-approved or locally-approved Buffer Management Plan before beginning the authorized work.

“Buffer” means the 100-foot Critical Area Buffer and any expanded area that is immediately landward of the mean high-water line of the tidal waters or is immediately landward of tidal wetlands. The Buffer includes expanded contiguous area if the contiguous area includes steep slopes, hydric soil, or highly erodible soil, or otherwise meets the criteria of COMAR 27.01.09.01.E(7). “Disturbance” means any alteration or change to the land including any amount of clearing. Clearing includes vegetation removal, grading, and construction activity.

8. Licensee may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this License specifically authorizes the activity.
9. Licensee may not stockpile material in State tidal wetlands/State tidal waters of the U.S.
10. Licensee shall allow unfettered public use of State wetlands/State tidal waters of the U.S.
11. This License does not transfer a property interest of the State.
12. Licensee shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. *Miss Utility: 800-257-7777*
13. Licensee shall ensure that structures (for example, piers and piles) removed from the site are taken to an upland disposal facility approved by MDE’s Compliance Program.
14. If the authorized work impacts more than 5,000 square feet or includes 100 or more cubic yards of fill, Licensee shall conduct the authorized work in accordance with a locally-approved Soil Erosion and Sediment Control Plan.
15. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537-3249, by email at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
16. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
17. This License is granted only to the Licensee. Licensee may transfer the license only with written approval from the Board of Public Works. If the Board of Public Works approves the transfer, the transferee is subject to all License terms and conditions.
18. Licensee 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 License authorizes.
19. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion. Licensee shall promptly comply upon notice of any such action.
20. This License expires January 17, 2026. If the authorized work is not completed by the expiration date, all activity must stop.

Note: A three-year license may be renewed for one additional three-year term if the Licensee requests an extension before the expiration date and all other conditions are met. A six-year license may not be renewed; instead, Licensee must reapply to MDE for a new license. Contact the Board of Public Works to determine if this License may be extended.

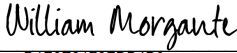
Board of Public Works: 410-260-7791

WL#22-0268(R1)

Evergreen Marine Corp (Taiwan) Ltd

- 21. In conducting work authorized under this license, licensee may not cause injury to private property; invade the rights of others; or infringe any federal, state, or local laws or regulations.
- 22. Licensee shall maintain any authorize structure in good condition and perform the authorized activity in a workmanlike manner in accordance with this license.
- 23. In conducting work authorized under this license, licensee shall eliminate or minimize adverse effects on fish, wildlife, and the natural environment.

By the authority of the Board of Public Works:

DocuSigned by:

 D1F6E3178FDB4B0...


 William Morgante
 Wetlands Administrator

Effective Date: January 17, 2023
 Approved as: Secretary's Agenda Item 4
 Board of Public Works Meeting Date: January 4, 2023
 Revised: February 1, 2023 (R1)

I accept this License and all its conditions.

2/2/2023

 Date

DocuSigned by:

 0AB74654CA0B4C7...

 Licensee (Signature)

Greg Challenger

 Name (Printed)

President, Polaris Applied Sciences, Inc.

 Title

gchallenger@polarisappliedsciences.com

 Email (to receive completed license)