



William Morgante, PWS  
Wetlands Administrator

State of Maryland  
**Board of Public Works**  
Wetlands Administration

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Larry Hogan  
Governor

Derick E. Davis  
Treasurer

Peter Franchot  
Comptroller

John T. Gontrum, Esq.  
Executive Secretary

**WETLANDS LICENSE NO. 22-0268EX(R2)**

**~~DONJON-SMIT, LLC~~ 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:

Mechanically dredge an area of 131,945.2 ft<sup>2</sup> around the stern of the vessel, an area of 127,996.2 ft<sup>2</sup> around the starboard side of the vessel and 89,486.3 ft<sup>2</sup> around the port of the vessel resulting in a total of 349,427 sq. ft., to a depth of ~~40~~ **43** feet at mean low water; and to deposit at minimum of ~~110,000~~ **164,236.4** cubic yards of dredged material on an approved upland disposal site located at an upland placement cell at the Poplar Island Ecosystem Restoration Project.

*Off Gibson Island, Chesapeake Bay, Anne Arundel County, Maryland*

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 CONDITION(S):**

- A. The issuance of this Emergency Wetlands License for the proposed activity does not relieve the applicant from the need to obtain a Wetlands License from the Board of Public Works. Within 14 days of the initial request for the Emergency Wetlands License, the applicant must complete and submit an application to the Department.
- B. The Licensee shall transport all dredged material in watertight trucks. No dredged material shall be discharged onto the roadways of the State.
- C. The Licensee shall stake the dredge area and notify the Water and Science Administration's, Tidal Wetlands Division prior to the start of dredging.
- D. The Licensee shall dispose of dredged material only at the dredge disposal sites approved by this Wetland License. The Licensee shall submit an application for modification of the License to MDE for approval of any dredge disposal site not authorized within this License.

- E. 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.
- F. The Licensee shall conduct a post dredge bathymetric survey and forward to the Water and Science Administration, Tidal Wetlands Division within 45 days after the termination of any phase of dredging.
- G. Due to anadromous fish, the Licensee is recommended to deploy and maintain a turbidity curtain around the work area while dredging from April 1 to June 1 of any given year.
- H. Due to a Natural Oyster Bar (NOB 4-2), the Licensee is recommended to deploy and maintain a turbidity curtain around the work area while dredging from June 1 to September 30 of any given year.
- I. The Licensee shall assess the dredge and vessel grounding area for impacts to the NOB (NOB 4-2) and then provide a report on the findings within 30 days from completion of the vessel removal that describe the impacts to the NOB (NOB 4-2) to the Water and Science Administration, Tidal Wetlands Division.
- J. Any impacts to the Natural Oyster Bar (NOB 4-2) due to grounding of the ship and dredging that are determined to require mitigation will require a mitigation plan submission to the Department within 60 days from the notice of determination that mitigation is required.

**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 ~~March 18, 2022~~ **March 27, 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.Central Division: 410-537-3510 1800 Washington Blvd, Baltimore, MD 21230
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 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 when the authorized work is completed. When the authorized work is completed, all activity must stop.
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:

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William Morgante  
Wetlands Administrator

Effective Date: March 19, 2022  
Modified Date: March 29, 2022 (R1)  
Revised: May 12, 2022 (R2)

**I accept this License and all its conditions.**

06/10/2022

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Date



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Licensee (Signature)

Greg E. Challenger

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Name (Printed)

President, Polaris Applied Sciences, Inc.

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Title

gchallenger@polarisappliedsciences.com

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Email (to receive completed license)