



Doldon W. Moore, Jr.
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
410-260-7791
Fax: 410-974-5240
Toll Free: 1-877-591-7320

Robert L. Ehrlich, Jr.
Governor
William Donald Schaefer
Comptroller
Nancy K. Kopp
Treasurer
Sheila C. McDonald
Executive Secretary

July 6, 2005

Vincent Barletta
BWI Sparrows Point, LLC
Attn: Heather Sites
600 Shipyard Road
Sparrows Point, MD 21219

Dear Applicant(s):

Enclosed please find the original and one copy of Tidal Wetlands License No. 05-0155, issued to you on July 6, 2005, pursuant to your application dated January 13, 2005.

After you have read all the conditions of the license, please ensure that the license is signed by the named licensee and the original is returned to this office within 30 days in the enclosed envelope. Please retain the copy of the license for your records. This license is valid for a period of three years, as indicated on page three.

Please note that you must notify the MD Department of the Environment, Inspections and Compliance Program, by calling (410) 537-3510 in Baltimore, or (410) 901-4020 in Cambridge, prior to commencing work.

This does not constitute your federal authorization. Please contact the U.S. Army Corps of Engineers, Baltimore District, at (410) 962-4500 (Maryland Section Southern) or (410) 962-4252 (MD Section Northern) regarding the status of the federal permit.

If you have any questions concerning any of the terms and conditions of the attached license, please contact me at the address or telephone number shown above.

Sincerely,

Doldon W. Moore, Jr.
Wetlands Administrator

Enclosure

cc: MDE, Tidal Wetlands Division



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WETLANDS LICENSE NO. 05-0155

VINCENT BARLETTA-BWI SPARROWS POINT, LLC

In response to an application dated January 13, 2005, for a Wetlands License, upon the recommendation of the Wetlands Administrator of the Board of Public Works, and pursuant to the provisions of Title 16, Environment Article, Annotated Code of Maryland (1996 Repl. Vol. and Supplement), entitled "Wetlands and Riparian Rights," enacted to provide a State policy for the preservation of wetlands and regulation of the filling and dredging of wetlands in Maryland, and for other purposes, you are hereby authorized by the Board of Public Works, for the State of Maryland to:

"hydraulically or mechanically maintenance dredge a 160-acre area in phases. Phase I entails dredging a channel and berthing area around piers 1, 2, and 4 to 39 feet below mean low water, and to place the approximately 600,000 cubic yards of dredged material at the Hart Miller Island Dredged Material Placement site. Under subsequent phases the balance of the area, approximately 2.6 million cubic yards of material, is proposed to be dredged and deposited at disposal sites yet to be determined. Phase I also includes the construction of approximately 6,650 linear feet of steel sheet piling one foot above the existing river bottom around the perimeter of piers 1, 3, and 4. All work shall be performed in accordance with the attached plans dated February 2004" – Patapsco River at Sparrows Point in Baltimore County.

This license is subject to the following special conditions:

- A. All work shall be permitted and performed in accordance with the Critical Area Program regulations.
- B. All work shall be performed in accordance with the required Soil Erosion and Sediment Control Plan as approved by the Baltimore County Soil Conservation District.
- C. All work shall be performed in accordance with the required Water Quality Certification issued by the Maryland Department of the Environment and in accordance with the Maryland State Programmatic General Permit (MDSPGP-2) or the U.S. Army Corps of Engineers' Individual Authorization.
- D. No marsh shall be filled, dredged, or otherwise altered or destroyed.

Tidal Wetlands License No. 05-0155
Vincent Barletta-BWI Sparrows Point, LLC
July 6, 2005

- 1A -

- E. Detailed dredged material placement plans for any dredged material not deposited at Hart Miller Island shall be submitted to and approved by the Tidal Wetlands division, Water Management Administration, prior to project commencement.

The authorized work is to be accomplished in accordance with the plans and drawings attached hereto, dated February 2004.

This license is subject to the following general conditions and is revocable or subject to modification prior to the completion of the project as described above when such action is deemed to be in the State's interest.

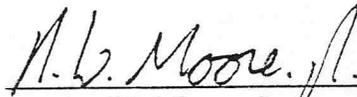
This license is subject to the following **standard conditions**:

- a. This license does not authorize a trespass or infringement upon private or public property rights or interests, nor does it relieve the licensee of the obligation to obtain applicable federal, State, or local approvals.
- b. The legal requirements of all federal, State, and local agencies shall be met.
- c. The license does not transfer a property interest of the State unless expressly stated by the Board of Public Works (usually in a separate document).
- d. The licensee shall allow full and free use by the public of State wetlands and navigable waters.
- e. A copy of this license and the plans or drawings attached hereto shall be available at the site until the construction or activity is complete.
- f. The licensee shall submit written notification to the Inspections and Compliance Program of the MD Department of the Environment at least 10 days in advance of commencing the construction or activity, and shall furnish written notification of the date of its completion within 30 days.
- g. The licensee consents to reasonable inspections by representatives of the Board of Public Works or the MD Department of the Environment to ensure consistency with the conditions of the license.
- h. The licensee shall comply promptly with any lawful regulations, conditions, or site complaints and orders affecting the structure or activity authorized herein, if and when issued by the MD Department of the Environment, which is authorized to enforce this license.
- i. The licensee shall maintain the structure authorized herein in good condition or perform the activity in accordance with the approved plans or drawings until the structure is removed or the activity permanently ceases.
- j. The Board of Public Works or the Wetlands Administrator may modify, suspend, or revoke this license as necessary to protect the State's interests. The decision to modify, suspend, or revoke the license shall be based upon a consideration of the ecological, economic, developmental, recreational, and aesthetic values involved as they may affect the public and proprietary interests of the State.

- k. Any modification, suspension, or revocation of this license shall not be the basis for a claim for damages against the State of Maryland, or any unit or agency of the State.
- l. All provisions of this license shall be binding on any assignee or successor in interest of the licensee, with the procedure for assignment or transfer set by the Board of Public Works.
- m. The licensee or any successor or assignee agrees to make every reasonable effort to construct the structure or perform the activity authorized herein in a workmanlike manner so as to eliminate or minimize any adverse effects of the construction or activity on fish, wildlife and natural environmental values.
- n. If the structure or activity authorized herein is not completed on or before the 6th day of July, 2008, this license, if not previously revoked or specifically extended, shall cease and be null and void. **NOTE:** In most cases, a 3-year license may be renewed for one additional 3-year period if the request is received prior to the expiration date; 6-year licenses cannot be renewed and licensee must reapply to the Maryland Department of Environment.

By the authority of the Board of Public Works:

Issued for and in behalf of
the Members of the Board

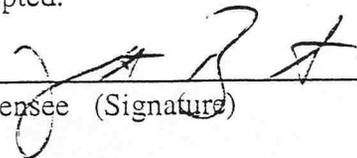


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Wetlands Administrator

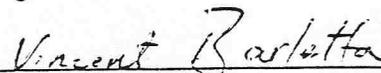
Effective Date: July 6, 2005

The terms and conditions of this license are hereby accepted.

Date



Licensee (Signature)



Please print name



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
Governor

Kendl P. Philbrick
Secretary

Michael S. Steele
Lt. Governor

Jonas A. Jacobson
Deputy Secretary

WATER QUALITY CERTIFICATION for WETLAND LICENSE 05-WL-0155

Issued to: Vincent Barletta

Address: BWI Sparrows Point, LLC
600 Shipyard Road
Sparrows Point, MD 21219
Attn: Heather Sites

Description of Certified Project: *To hydraulically or mechanically maintenance dredge a 160-acre area in phases. Phase I entails dredging a channel and berthing area around piers 1, 3, and 4 to 39 feet below mean low water, and to place the approximately 600,000 cubic yards of dredged material at the Hart Miller Island Dredged Material Placement site. Under subsequent phases the balance of the area, approximately 2.6 million cubic yards of material, is proposed to be dredged and deposited at disposal sites yet to be determined. Phase I also includes the construction of approximately 6,650 linear feet of steel sheet piling one foot above the existing river bottom around the perimeter of piers 1, 3, and 4. All work shall be performed in accordance with the attached plans dated February 2007.*

This water quality certification is issued under authority of Section 401 of the Federal Water Pollution Control Act and its Amendments and the Environment Article, Sections 9-313 to 9-323, inclusive, Annotated Code of Maryland. A copy of this required certification has been sent to the Corps of Engineers. This certification does not relieve the applicant of responsibility for obtaining any other approvals, licenses or permits in accordance with federal, State, or local requirements and does not authorize commencement of the proposed project. The Maryland Department of the Environment has determined from a review of the plans 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 conditions listed below.

GENERAL CONDITIONS

1. The proposed project shall be constructed in a manner that 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.
2. The proposed project shall be constructed in accordance with the plan and its revisions.
3. All fill and construction materials not used in the project shall be removed and disposed of in a manner that will prevent their entry into waters of this State.
4. The certification holder shall notify the Water Management Administration, Tidal Wetlands Division, 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.
5. The certification holder shall allow the Maryland Department of the Environment or its representative to inspect the project area at reasonable times and to inspect records regarding this project.

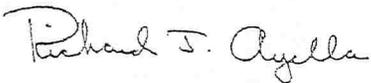
SPECIAL CONDITIONS

- A. Detailed dredged material placement plans for any dredged material not deposited at Hart Miller Island shall be submitted to and approved by the Tidal Wetlands Division, Water Management Administration prior to project commencement.

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. In granting this certification, the Department reserves the right to inspect the operations and records regarding this project at anytime.

Expiration Date: June 8, 2005

CERTIFICATION APPROVED



Richard J. Ayella, Chief
Tidal Wetlands Division