Critical Area Commission

STAFF REPORT
January 14, 2026

APPLICANT:	Maryland Department of Transportation Maryland Port Administration
JURISDICTION:	Dorchester County
PROPOSAL:	Mid-Chesapeake Bay Island Ecosystem Restoration Project at James Island
COMMITTEE ACTION:	Vote
STAFF RECOMMENDATION:	Approval with Conditions
STAFF:	Jamileh Soueidan
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

The Maryland Port Administration (MPA) is proposing to restore remote island habitat at James Island, located in the Chesapeake Bay approximately one mile northwest of Taylors Island in Dorchester County. The James Island project is the larger of the two island restoration projects associated with the Mid-Chesapeake Bay Island Ecosystem Restoration Project (Mid-Bay Project). The Commission previously approved the Barren Island restoration in 2022 as the initial Mid-Bay Project effort. In September 2025, MPA also provided Commission members and staff with a site tour of Poplar Island and a presentation on island creation, including a general overview of the proposed James Island restoration.

Presently, James Island consists of three island remnants. While these remnants were privately owned, continued erosion has caused them to erode to the point that they are below Mean High Water (MHW) and thus classified as state tidal wetlands.

As a joint effort between MPA and the U.S. Army Corps of Engineers (USACE), the objective of the Mid-Bay Project is to:

- Restore and protect wetland, aquatic, and terrestrial island habitat for fish, reptiles, amphibians, birds, and mammals;
- Protect existing island ecosystems to prevent further loss of island and aquatic habitat;
- Provide dredged material placement capacity for Federal navigation channels;

- Increase wetlands acreage in the Chesapeake Bay watershed;
- Decrease local erosion and turbidity;
- Promote conditions to establish and enhance submerged aquatic vegetation; and
- Promote conditions that support oyster recolonization.

In accordance with COMAR 27.02.05 and Section B.3 of Exhibit 4A under the Memorandum of Understanding (MOU) between the Maryland Department of Transportation and Critical Area Commission, a development activity which involves the filling of open water for a new island restoration project requires review and approval by the full Critical Area Commission. As described below, the filling of open water is proposed as part of the James Island restoration project; therefore, review and approval by the Critical Area Commission is required.

Project Description

The James Island restoration project will restore 2,072 acres of remote island habitat, provide approximately 50 acres of shoreline habitat, and provide the capacity to place approximately 95 million cubic yards of clean dredged material from Federal navigation channels (see attached site plan). Upon restoration, the island will consist of approximately 45% upland and approximately 55% wetland habitats. Wetland restoration will consist of both high and low marsh habitats, in equal proportions, and include wetland features such as hummocks, tidal channels, mudflats, and sand beaches to enhance habitat and climate resilience. Restored uplands regions will include features such as immature uplands, forest edge habitat, and freshwater ponds; the final design will utilize input from the Mid-Bay Workgroups. Additionally, the project scope includes spillways, tidal inlets, and weir structures to facility on-site water management and approximately 50 acres of shoreline features (e.g., reefs, reef balls, breakwaters, etc.) to enhance shoreline habitat and protect the tidal inlets. No impacts above Mean High Water (MHW) are proposed.

The project also includes the installation of onsite facilities (e.g., office trailer, storage sheds, septic system) and roadways to operate and maintain the project. The improvements are temporary in nature and will be installed and removed as the project progresses. The improvements will be constructed to direct stormwater to drain into the dredge material containment area. The placement of the onsite facilities will be within one of the proposed wetland cells, and as such, Maryland Department of the Environment is authorizing impacts under the Tidal Wetlands License. All improvements will be removed by project completion and the wetland habitat restored.

Although not specified as a project feature in the initial authorization project, MPA and USACE continue to evaluate the potential to include Engineering with Nature to modify the stone perimeter dike along the eastern shore of the wetlands. An alternatives analysis of five options for further evaluation included combinations of tombolo, living shorelines and rock sill, and offshore submerged living breakwaters and reefs.

Schedule:
Restoration will take place over a 40-year timeframe. The James Island restoration will occur

under multiple contracts that will be funding dependent. Contract 1, which will begin in early 2026 pending the issuance of permits and will include the creation of the armored sand stockpile that will be utilized for dike construction. Contracts 2 and 3 will likely focus on creation of the northern wetland complex, personnel facilities and pier, and a small portion of perimeter dike.

Once the northern wetland complex is completed (~2029-2030), small volumes of dredged material can begin to be placed. Timing of the remaining contracts is unknown but will focus on creation of the upland cell and two remaining wetland complexes and associated infrastructure (spillways, bulkhead, etc.), which will allow continued dredged material placement. Habitat creation will be taking place throughout the 40-year timeline.

Climate Resiliency Analysis

As part of the larger Mid-Bay Project, the James Island project will restore eroding remote island habitat, creating and protecting wetland and upland habitat and protect it and its adjacent aquatic resources by integrating resilient practices, while providing beneficial use for maintenance dredged material from small local federal navigation channels. James Island restoration includes perimeter dikes at +11 feet around the wetlands and +20 feet around the uplands once restoration is complete. The height of the perimeter dikes and armor stone was selected based on updated hydrologic, hydraulic, and storm modeling tools; the models incorporate considerations for both sea level rise projections for the end of century and coastal storm surge to ensure maximum resilience. Furthermore, these resilient design practices were selected to minimize potential damage from coastal processes during storms. Lastly, this project will restore 1,140 acres of wetlands at a 50/50 ratio of high marsh to low marsh to enhance coastal resilience and enable marsh migration rather than loss of restored wetlands.

Permits and Review by Other Agencies

Maryland Board of Public Works/Maryland Department of the Environment (MDE)

The Joint Permit Application to obtain a Tidal Wetlands License was submitted to MDE November 27, 2024. MDE placed both the wetlands license and the Water Quality Certification (WQC) on public notice from July 15, 2025 through August 15, 2025. MDE posted the public notice in the local paper, Maryland Register (for the WQC), and on their website during this time period. MPA also shared the public notice with Port stakeholders, elected officials, adjacent property owners, and all interested community members involved with the project to date. The Maryland Board of Public Works will be reviewing the project at their December 17th, 2025 hearing and a Tidal Wetlands License authorization is expected in late 2025.

U.S. Army Corps of Engineers (USACE)

In accordance with the National Environmental Policy Act (NEPA), USACE finalized the Chief's Report and the *Mid- Chesapeake Bay Island Ecosystem Restoration Integrated Feasibility Report and Environmental Impact Statement* (EIS) for the entirety of the Mid-Bay Project (2009). As significant time passed since the original EIS and pre-construction engineering and site design, USACE conducted a supplemental EIS for James Island in 2024 in collaboration with cooperating agencies (National Oceanic and Atmospheric Administration National Marine Fisheries Service, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Maryland Department of Natural Resources, and Maryland Department of the

Environment). No additional USACE authorization is required for this project, as the project is part of an authorized USACE civil works project.

Department of Natural Resources (DNR)
DNR reviewed the project via MDE's Joint Permit Application process and the approval of the supplemental EIS finalized by USACE. Time of year restrictions (TOYR) for submerged aquatic vegetation (SAV) and shellfish areas (Natural Oyster Bars) have been identified and addressed in coordination with the DNR, U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Association National Marine Fisheries Service (NOAA NFMS).

Maryland Historical Trust (MHT)
MHT reviewed the project via the Joint Permit Application process as well as approval of the Supplemental Environmental Impact Statement (EIS). Cultural resource impacts are not expected for a majority of the project, however there is identification of buried paleochannels that may have the potential to contain archaeological resources within the access channel and turning basin. To address this, a Programmatic Agreement between MHT and USACE was developed to conduct archaeological monitoring during the dredging of these areas per MHT's recommendation. Continued coordination with MHT will be required once a submarine cable location is finalized.

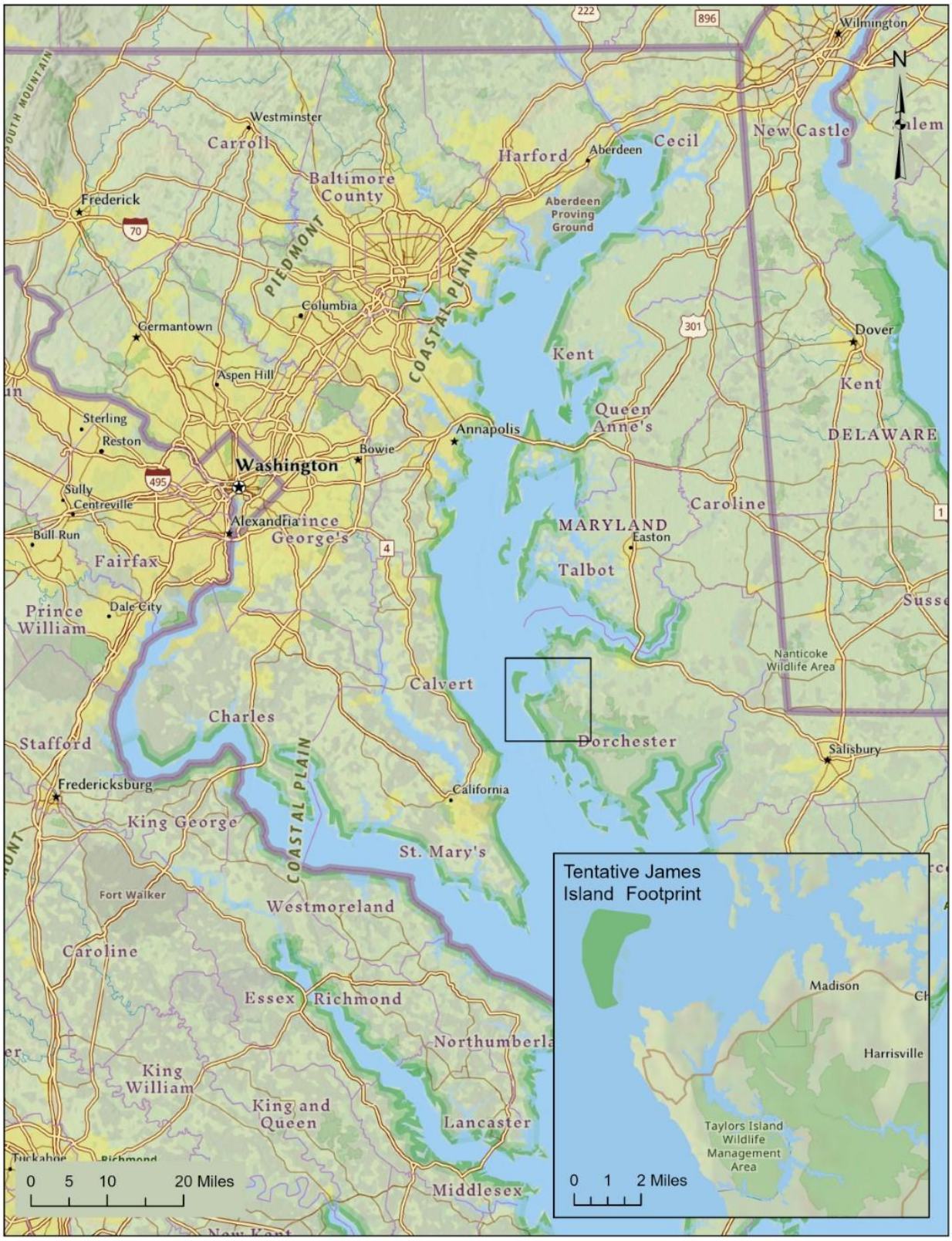
Public Notice
In accordance with MDE regulations, a public notice was published in *the Star Democrat*, *The Maryland Register,* and on MDE's website. The public notice period was held from July 15, 2025 through August 15, 2025. In addition, notice was provided to adjacent property owners, Port stakeholders, elected officials, and interested community members involved with the project. No public hearings were requested during the public hearing period and MDE conveyed three letters that were received, with generally positive feedback. Commission staff will provide additional details as to public comments received during the January 14, 2025, Project Committee meeting.

STAFF RECOMMENDATION

Staff recommends approval of the proposed project with the following condition:

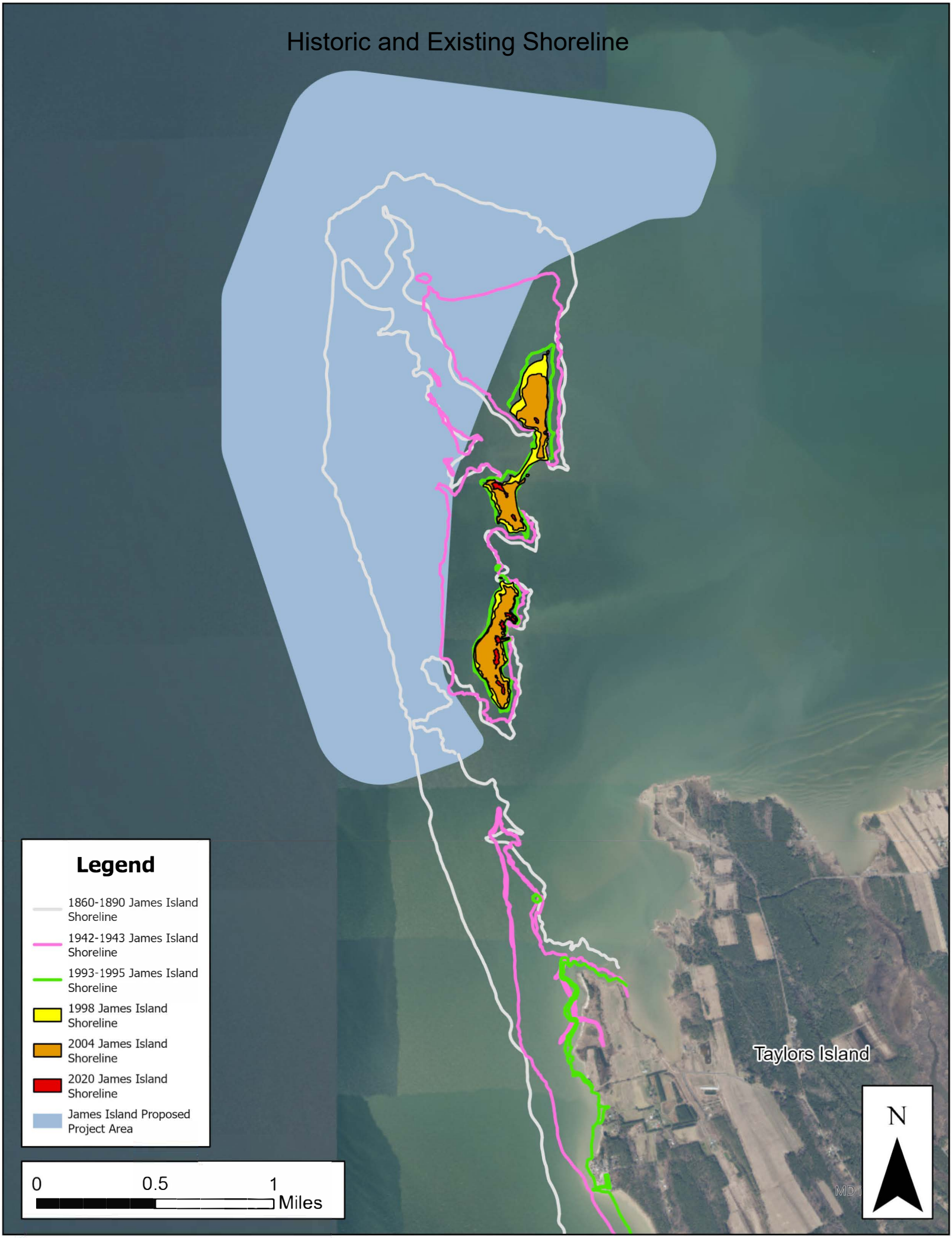
1. Prior to the start of construction, MPA shall submit to Commission Staff:
    a. A copy of the approved Maryland Department of the Environment Tidal Wetland License

ATTACHMENT
1_Site Plan and Supporting Imagery



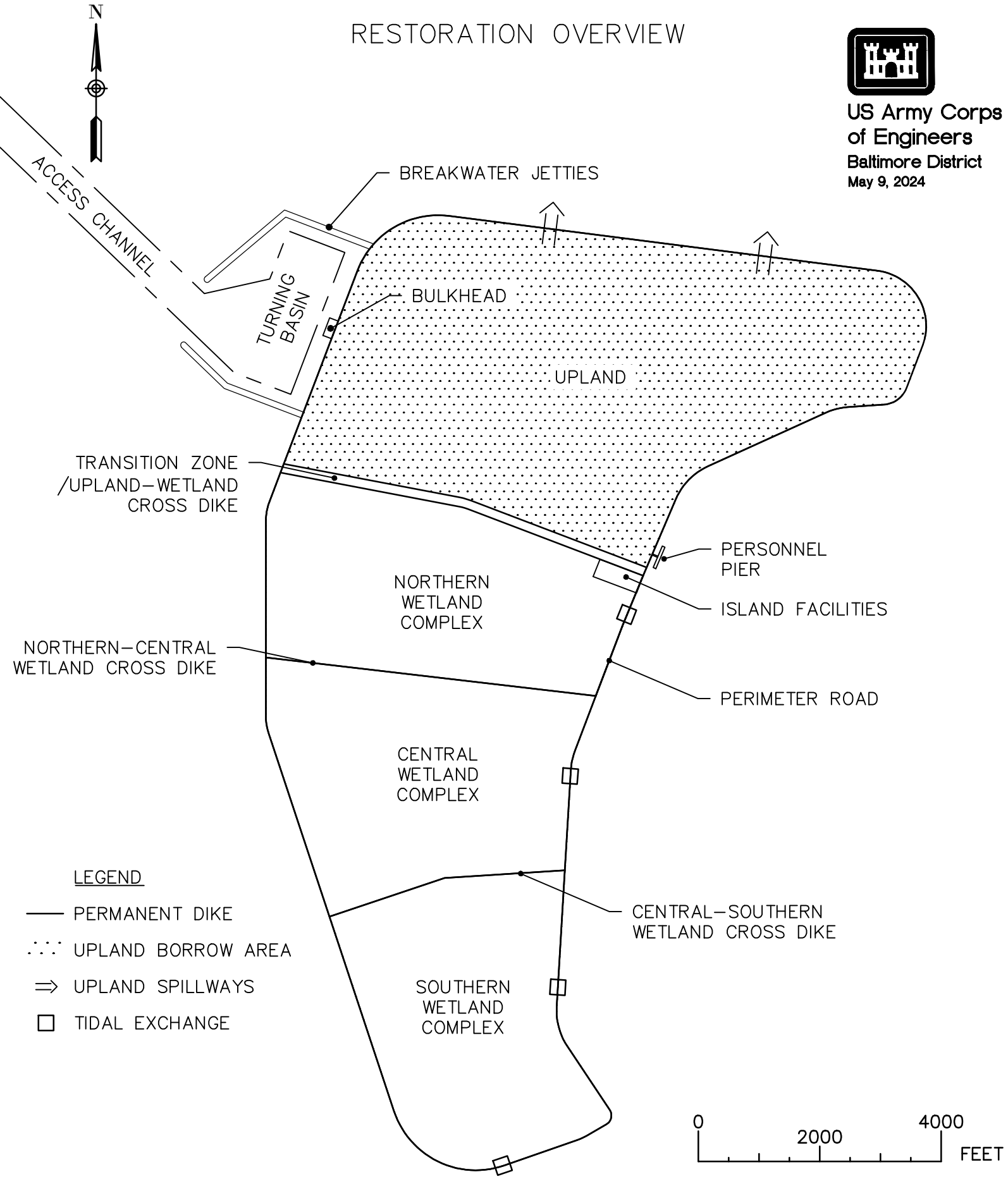
Mid-Chesapeake Bay Island Ecosystem Restoration Project at James Island location map

Aerial Imagery of Existing Island Remnants


Historic and Existing Shoreline
Legend
1860-1890 James Island Shoreline
1942-1943 James Island Shoreline
1993-1995 James Island Shoreline
1998 James Island Shoreline
2004 James Island Shoreline
2020 James Island Shoreline
James Island Proposed Project Area
0
0.5
1
Miles
Taylors Island
N

RESTORATION OVERVIEW

US Army Corps of Engineers
Baltimore District
May 9, 2024



NOTES:

1) DETAILS ARE SUBJECT TO CHANGE AS THE DESIGN DEVELOPS.
2) THE LAYOUT AND FEATURES MAY CHANGE OVER TIME AS THE PROJECT USES ADAPTIVE MANAGEMENT.

JAMES ISLAND MASTER PLAN

CHOPTANK RIVER

TAYLORS ISLAND

UPLAND SPILLWAY

PERSONNEL PIER

UPLANDS

BREAKWATER

BULKHEAD

TURNING BASIN

BREAKWATER

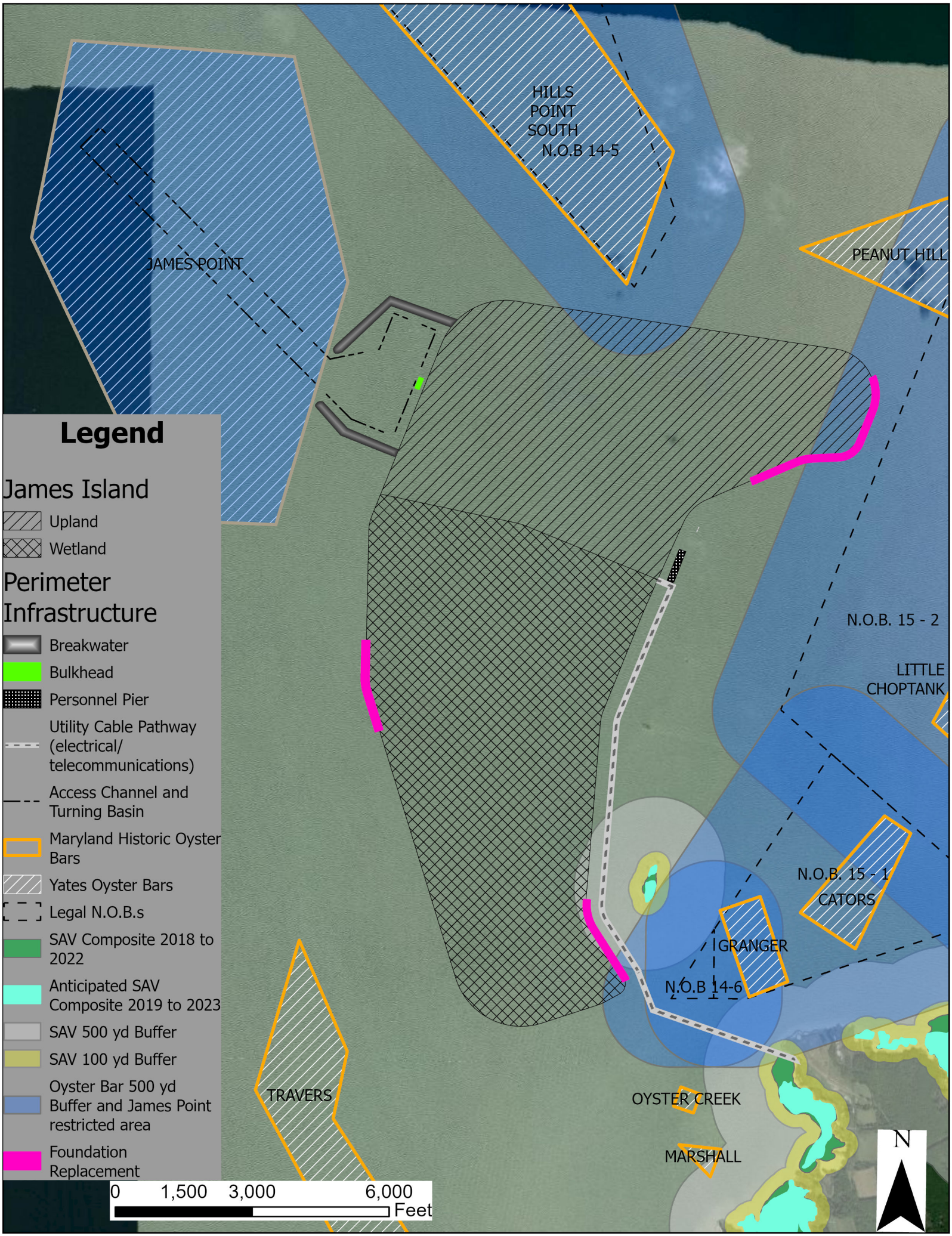
ACCESS CHANNEL

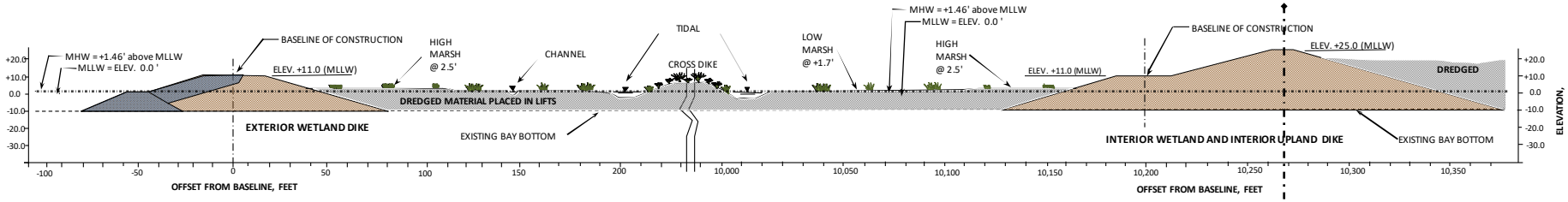
CHESAPEAKE BAY

CHESAPEAKE BAY

WETLANDS

- UPLAND TO WETLAND TRANSITION
- UPLAND EXTERIOR DIKE SLOPE
- SAND
- VEGETATED ISLAND
- UNVEGETATED ISLAND
- MUDFLAT
- LOW MARSH
- HIGH MARSH
- HUMMOCKS
- TIDAL CHANNEL
- PONDS
- INTERTIDAL PONDS
- HUMMOCK
- 26' INTERFACE CHANNEL
- 25' ROAD
- TRANSITIONAL INLET
- REEF BALLS
- STONE REEFS
- FACILITIES
- CULVERT
- EXISTING YATES OYSTER BARS
- EXISTING MD OYSTER BARS


HILLS
POINT
SOUTH
N.O.B 14-5
JAMES POINT
PEANUT HILL
N.O.B. 15 - 2
LITTLE
CHOPTANK
N.O.B. 15 - 1
CATORS
GRANGER
N.O.B 14-6
TRAVERS
OYSTER CREEK
MARSHALL
Legend
James Island
Upland
Wetland
Perimeter
Infrastructure
Breakwater
Bulkhead
Personnel Pier
Utility Cable Pathway
(electrical/
telecommunications)
Access Channel and
Turning Basin
Maryland Historic Oyster
Bars
Yates Oyster Bars
Legal N.O.B.s
SAV Composite 2018 to
2022
Anticipated SAV
Composite 2019 to 2023
SAV 500 yd Buffer
SAV 100 yd Buffer
Oyster Bar 500 yd
Buffer and James Point
restricted area
Foundation
Replacement
0
1,500
3,000
6,000
Feet
N

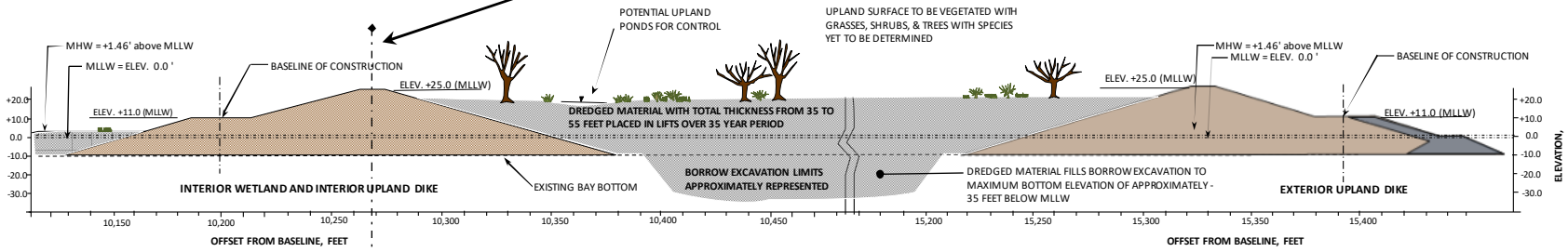


TYPICAL SECTION THROUGH WETLAND CELL

SCALE APPROXIMATELY AS SHOWN WITH BREAKS IN LATERAL SCALE WITHIN CELLS

NOTE: LOCATIONS AND SCALES OF VARIOUS WETLAND FEATURES SHOWN ON THIS SECTION ARE FOR ILLUSTRATION ONLY

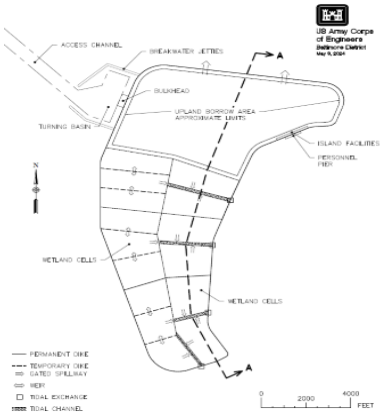
MATCH LINE BETWEEN WETLAND CELL ABOVE AND UPLAND CELL BELOW



TYPICAL SECTION THROUGH UPLAND CELL

SCALE APPROXIMATELY AS SHOWN WITH BREAKS IN LATERAL SCALE WITHIN CELLS

NOTE: LOCATION AND SCALE OF BORROW EXCAVATION SHOWN ON THIS SECTION IS APPROXIMATE & FOR ILLUSTRATION ONLY



The above representative wetland and upland cross sections are based on an actual section located approximately as shown on the plan view to the left. Vertical and horizontal scales are realistic for dike sections and immediately adjacent cell surfaces. The horizontal dimensions have been compressed as represented by the break lines shown on the cross section views in the middle of each cell.

WETLAND HABITAT:

Wetland Habitat will comprise 55% of the island footprint. Wetland habitat will consist of 50% high marsh and 50% low marsh (includes all open water and habitat islands). To ensure maximum habitat value and marsh resiliency, elevations will vary for each wetland cell and will be selected using lessons learned at Poplar Island, the most updated models and scientific research, and current sea level and projected rates of change.

Wetland features may include various combinations of habitat islands, mud flats, channels, moats (surrounding islands), and ponds. Island habitat will be varied to accommodate various bird species. Exact location, size, and configuration of wetland features will be designed based on actual topography of individual wetland cells after completion of dredged material placement, and will be subject to adaptive management based on experience gained as the project progresses.

UPLAND HABITAT:

Upland Habitat will comprise 45% of the island footprint. Upland habitat will be graded to a nominal final elevation of +20 feet above MLLW with topographic relief as necessary to facilitate collection of surface runoff that is to be transmitted to adjacent wetlands. The upland surface is expected to contain ponds, some, or all, of which will be integral to the runoff control system. Upland vegetation will include grasses, shrubs, and trees with the species yet to be determined. Perimeter containment dikes are expected to be lowered from temporary elevation +25 ft to an elevation consistent with long-term containment of dredged materials and required

Mid-Bay James Island Potential Time of Year Restrictions

Updated November 2024

Resource	Activity Limited	TOY Start	TOY End	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Notes
Bald Eagle	Restrictions on activities within 660 feet of nest	15-Dec	15-Jun													This TOYR is not applicable.
Colonial Nesting Birds (herons & egrets)	Major habitat changes such as clear cutting, land clearing, building road construction, human activity within 660 feet of colony	15-Feb	15-Jul													This TOYR is not applicable.
Shellfish Areas (NOB & aquaculture leases)	Hydraulic dredging in or within 500 yards of NOB boundary or aquaculture lease site	1-Jun	30-Sep													Any foundation replacment using this method will need to follow this TOYR. Additionally, dredging of the access channel will be done outstide of this TOYR.
	Rock placement activities within 500 yards of NOB boundary		-													No TOYR for this activity.
	Mechanical Dredging in or within 500 yards of a NOB boundary or aquaculture lease site	16-Dec	30-Sep													Any foundation replacment using this method will need to follow this TOYR. Installation of the submarine cable will follow this TOYR.
SAV	Rock placement activities in/near/within 100 yards of SAV bed -	15-Apr	15-Oct													The VIMS 5-year SAV composite will be used to determine the annual TOYR. A SAV survey may be conducted after May to determine if SAV is present in a specific area if a waiver is required.
	Rock on rock placement in/near/within 100 yards of SAV bed		-													No TOYR for this activity.
	Sediment/turbidity producing activities (dredging and material placement) in/near/within 500 yards of SAV bed	15-Apr	15-Oct													The VIMS 5-year SAV composite will be used to determine the annual TOYR. A SAV survey may be conducted after May to determine if SAV is present in a specific area if a waiver is required.

Activity limited