



APPLICATION FOR CHANGE IN AUTHORIZATION FOR SPECIES and/or GEAR



Lease Acronym	CAS SP2
Leaseholder	Love Point Oysters
Contact Person	Cameron Barner
Address	PO Box 281
City	South Freeport
State, Zip	ME, 04078
Telephone	(207) 604-6166
Email	Cameron@lovepointoysters.com
Is this a multi-tract lease site?	<div style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <p>If "yes" please list which tract(s) you are proposing to amend:</p> <hr style="width: 80%; margin-left: 0;"/> <p>Note: Please provide renderings for all tracts you are proposing to amend.</p>

What type of amendment are you requesting (check one)?

Gear amendment only

Instructions: Review and complete sections 1, 3, 4, and 5 of this application

Species amendment only

Instructions: Review and complete sections 1, 2, 4, and 5 of the application

Gear and species amendment

Instructions: Review and complete each section of the application

1. Bird Deterrents

BIRD DETERRENTS: Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. If you are applying to add shellfish species and/or suspended gear to your site, please include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Suspended gear and associated product would be submerged at a depth sufficient to deter roosting for at least two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- Only shellfish seed would be cultured
- Only adductor-only scallops would be cultured

Only shellfish seed will be cultured at this nursery site. The addition of a floating work platform to this site will include bird deterrents such as faux birds of prey to ward off roosting birds. However, the platform will not be used to grow or hold shellfish for any period of time.

2. SPECIES CHANGES

SPECIES INFORMATION: Indicate the species you wish to add or remove from your lease and list the source of stock for each species you wish to add.

Indicate "Add" or "Remove" from Lease	Species (common and Latin name)	Source of Stock (Name, address, & phone number)
No Change		

CULTURE PLAN: Please describe how you intend to cultivate each of the species you proposed to add to the lease using the table below. Please attach a separate table for each species you propose.

Information Requested	Proposed Species:
Seed Size	No Change
Number of Organisms to be Cultured	No Change
Stocking Density	No Change
Method of Culture and Dates (ex: April-Dec)	No Change
Method of Harvest and Timing (ex: Fall)	No Change
Predator Control Methods	No Change
Overwintering Plans/Dates (ex. Nov – Mar)	No Change

3. GEAR CHANGES

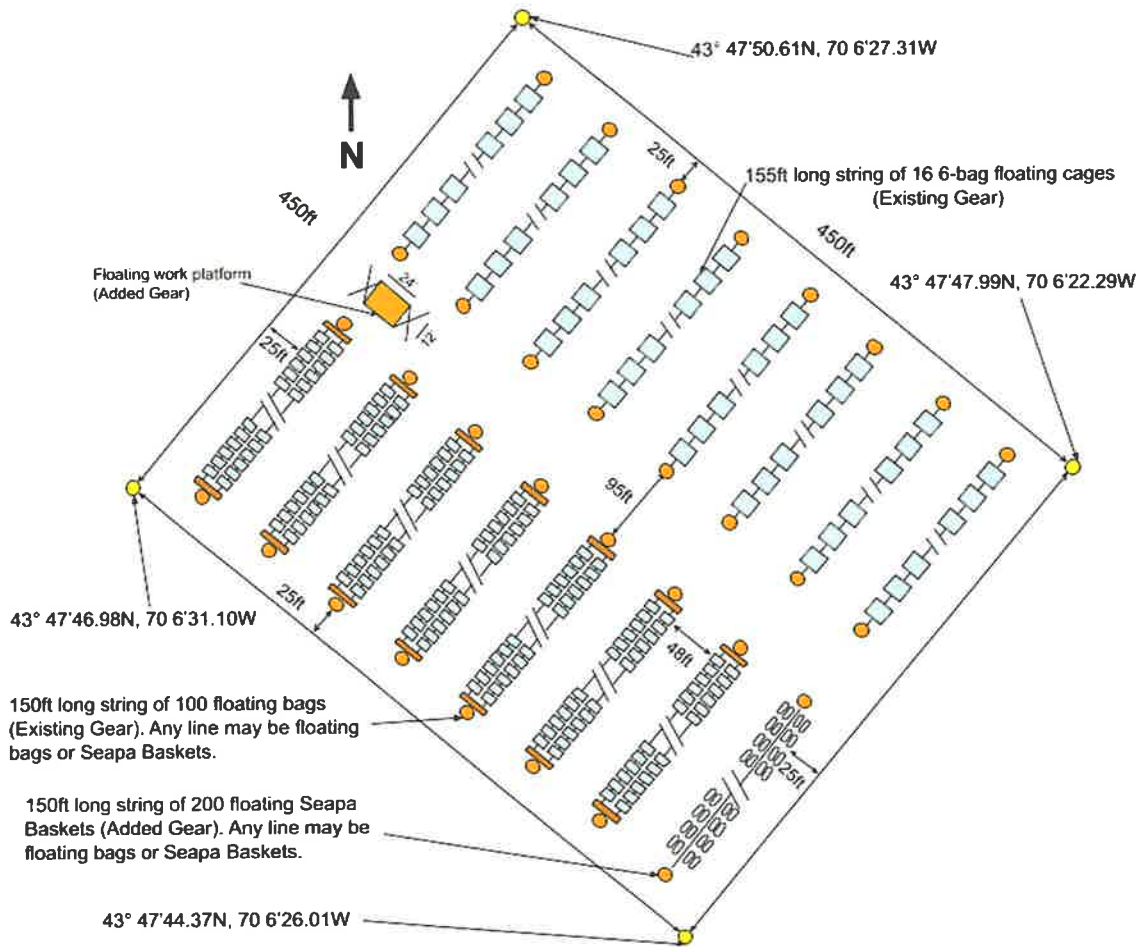
GEAR INFORMATION: Describe each gear type you wish to add to or remove from your current gear plan.

Specific Gear Type (e.g. <i>soft mesh bag</i>)	Add or Remove	Dimensions of Gear Added or Removed (e.g. 16"x20"x2")	Dates That Gear Will Be in The Water (Added gear only)
11'x24' Floating Work Platform	Add	11'x24'x2'	April 1 - Dec 31
Seapa Baskets	Add	31"x35"x10"	April 1 - Dec 31

***** Attach the following drawings showing the proposed new gear. Use the plans in your Army Corps permit and/or DMR lease application as a starting point. Be sure to include:**

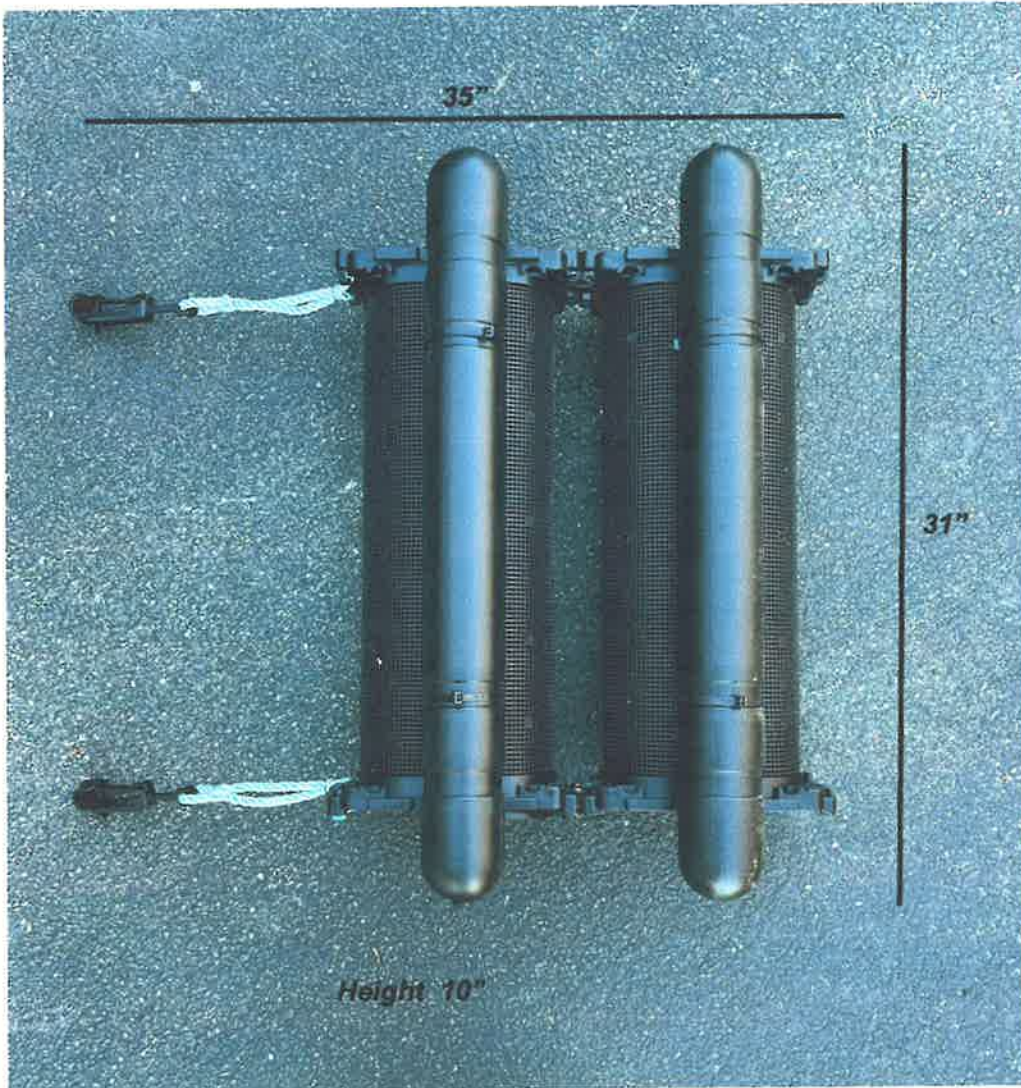
- **Layout plan showing:**
 - placement of existing and new gear on lease site
 - north arrow
 - lease corners labeled
- **Cross-section view showing:**
 - mooring gear and
 - other gear
 - depths at MLW and MHW
- **Drawing of an individual piece of each new gear, including:**
 - dimensions and
 - materials and
 - numbers of each type of gear to be added

Layout plan (April 1 through December 31):

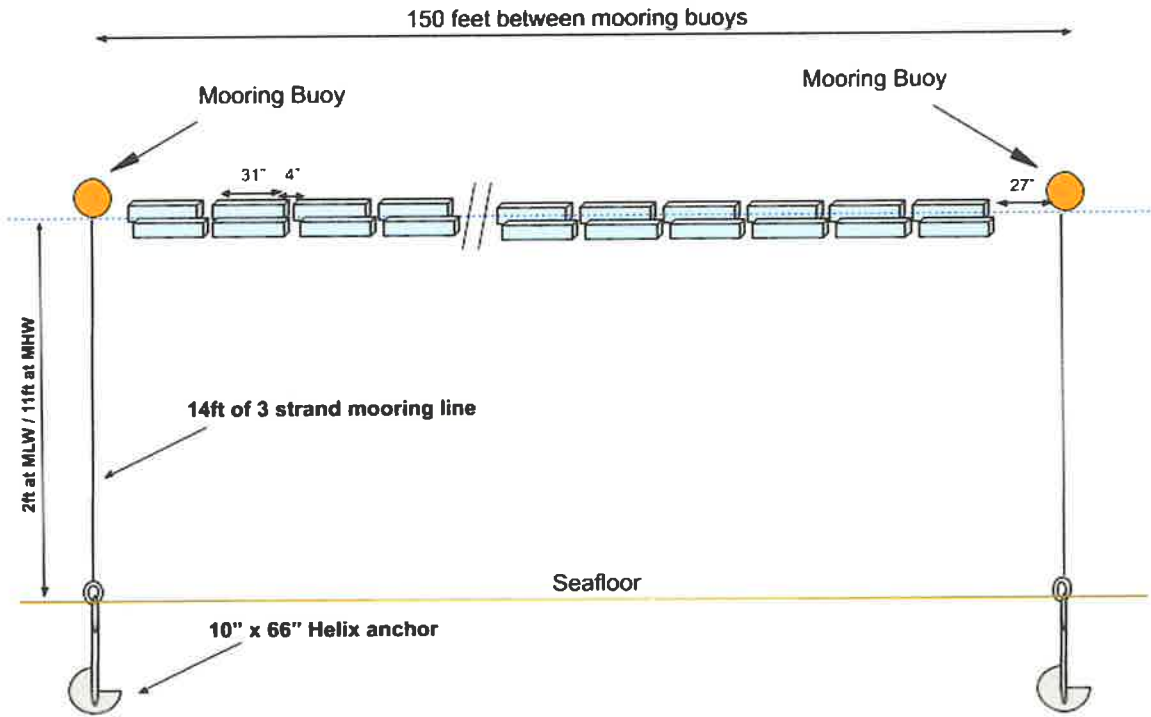


Drawing - Floating Seapa Basket System:

HDPE Seapa Basket (31"L x 35"W x 10"H) (800 units, interchangeable with existing floating bags)

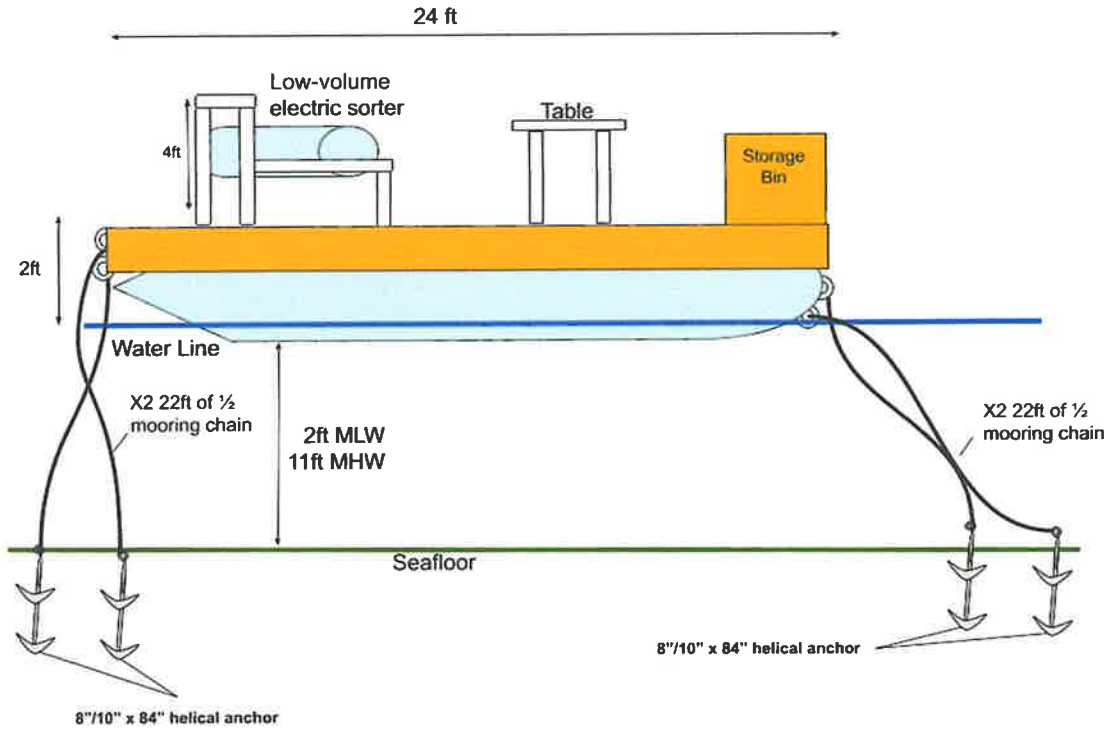


Cross-Section View (April 1 through December 31) - Floating Scapa Basket System:

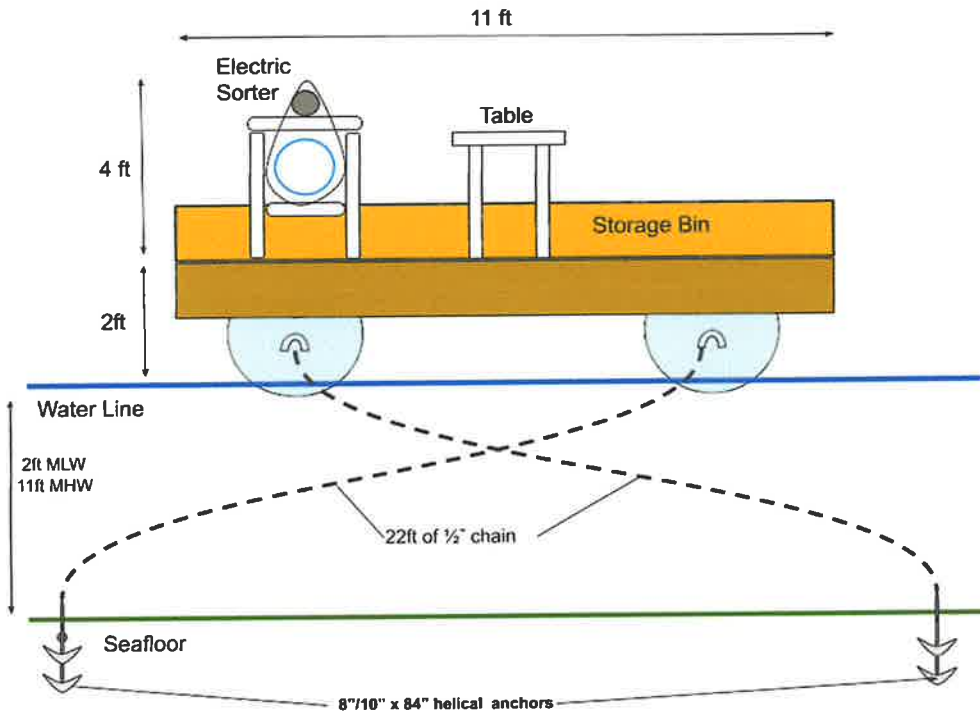


Cross-Section View Side (April 1 through December 31) - Work Float:

Aluminum pontoons with wooden beams, deck, and storage bin.



Cross-Section View Head On (April 1 through December 31) - Work Float:



Complete responses to the following questions (attach a separate sheet if needed):

1. How does adding this gear change your existing operations?

Adding a work float will allow us to sort our seed oysters on site during the Summer/early Fall months (June-September). This will be accomplished with a quiet, all electric, mechanical PVC tube sorter.

Adding Seapa baskets (in lieu of floating bags) will allow us to culture smaller seed.

2. Describe any changes in the number of trips to the lease site per day. If none, please write "none."

The number of trips to the site per day will not change, however, the duration of time spent on site for many of those trips may be extended up to 6 hours.

3. Describe any changes in noise and level of on-site activity. If there are no changes, please write "none."

We will begin to run a quiet, all electric, mechanical tube sorter on site occasionally during the months of June-September. The sorter is constructed with PCV instead of aluminum to minimize noise, and will run off solar power to eliminate the need for a gas powered generator. This sorter will also only be used for seed (<1yr old) oysters, which are quieter running through the tube sorter than their older and larger counterparts.

4. Will gear remain on site during the winter? Yes No

If you selected “yes” use the space below to describe your overwintering plans. Please include the dates for overwintering.

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4. Tax Maps and Riparian List

Is your existing lease within 1,000ft of shorefront land (which extends to mean low water or 1,650 ft. from shore, whichever is less)?

Yes No

If yes, the following supporting documents are required:

A. Tax Map

A labeled copy of the appropriate tax map(s) depicting the location of the lease site. If you are amending a multi-tract site, please include a tax map(s) for all tracts.

The map(s) needs to include the following elements:

- Label the map “Tax Map: Town of (name of town).”
- Legible scale
- Tax lot numbers clearly displayed
- The boundaries of the existing lease

B. Riparian List

Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000 feet of your existing lease. Have the tax collector or clerk of the municipality certify the riparian list.

RIPARIAN LANDOWNER LIST****THIS LIST MUST BE CERTIFIED****

On this list, please show the current landowners' names and mailing addresses as listed in the municipal tax records for all riparian shorefront parcels within 1,000 feet of the existing lease site along with the map and lot number for each parcel. **It is the applicant's responsibility to assemble the information for the Town Clerk to certify.** The Town Clerk only certifies that the information is correct according to the Town's records. Once you have completed the form, ask the Town Clerk to complete the certification section below. If the parcels are within more than one municipality, provide a separate, certified riparian list for each municipality.

TOWN OF: Freeport

MAP #	LOT #	Landowner name(s) and address(es)
25	67	Freeport, Town of & Harb Cottage 30 Main Street Freeport, ME 04032
25	68	Jolicoeur Trust Elise Thibodeau & Jesse Zorski, Trustees 108 Winslow Park Way Freeport, ME 04032
25	69	Conway, Robert J & Smith, Janice M 12 Black Will Arlington, MA 02474
25	70	Black Willow LLC PO Box 176 South Freeport, ME 04078
25	70A	Robert C Revou Sr Revoc Trust 3148 Lake Park Lane Sarasota, FL 34231
25	71	Chomyn, John J & Christopher E 29 Waterway Island Drive Isle of Palms, SC 29451
ISL	BOW	Betts Family Irrevocable Island Trust Betts, Kathleen A Trustee 1007 River Road Suffield, CT 06078

CERTIFICATION

I, Carrie Weeman ^{Deputy} Town Clerk for the Town of Freeport certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.


SIGNED: DATE: 01/04/2024

5. Applicant Signature

I hereby state that the information included in this application is true and correct. I have also read and understand the requirements of the Department's rules governing aquaculture and the application instructions pertaining to the lease amendment process.

Printed name: Cameron Barner

Title (if corporate applicant): Principal

Signature:  Date: 1/5/24

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Note:

- All applicants must sign and date this page. Please use the space below, if additional signatures are required.
- Corporate applicants, please be sure to include the title(s) (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.

Additional Applicant:

Printed name: Ben Hamilton

Title (if corporate applicant): Principal

Signature:  Date: 1/5/24



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

May 3, 2023

Regulatory Division
File No. NAE-2019-02037-MOD1

Love Point Oysters LLC
Attn: Cameron Barner
P.O. Box 281
Freeport, Maine 04078

Dear Mr. Barner:

This is in response to your request dated "August 23, 2022" to modify your Department of the Army permit number NAE-2019-02037, that authorized the installation of shellfish aquaculture grow out gear within a 4.79acre State of Maine Department of Marine Resources shellfish aquaculture lease site designated as "CAS SP2, Love Point Oysters, LLC". This work is located below the mean high-water line of Casco Bay at Freeport, Maine. The work is described on the attached plans entitled "Love Point Oysters LLC," on five (5) sheets undated.

The permit is hereby modified to replace 1600 – 35" x 18" x 3" floating mesh bags with up to 128 – 60" x 36" x 24" - 6 bag floating cages along 8 - 155' long lines and up to 800 – 35" x 18" x 3" semi-rigid floating mesh bags in groups of 100 (in pairs of two) along 8 - 150' lines within the existing 4.79acre shellfish aquaculture lease identified as CAS SP2, located below the mean high water line of Casco Bay off Stockbridge Point at Freeport, Maine. All bags and cages will be removed from the site for overwintering. Helical moorings and buoys will remain on site.

All other terms and conditions of the original permit remain in full force and effect.

We continually strive to improve our customer service. In order for us to better serve you, please complete our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

If you have any questions, please contact LeeAnn B. Neal of my staff at (207)623-8367 x2.

Sincerely,

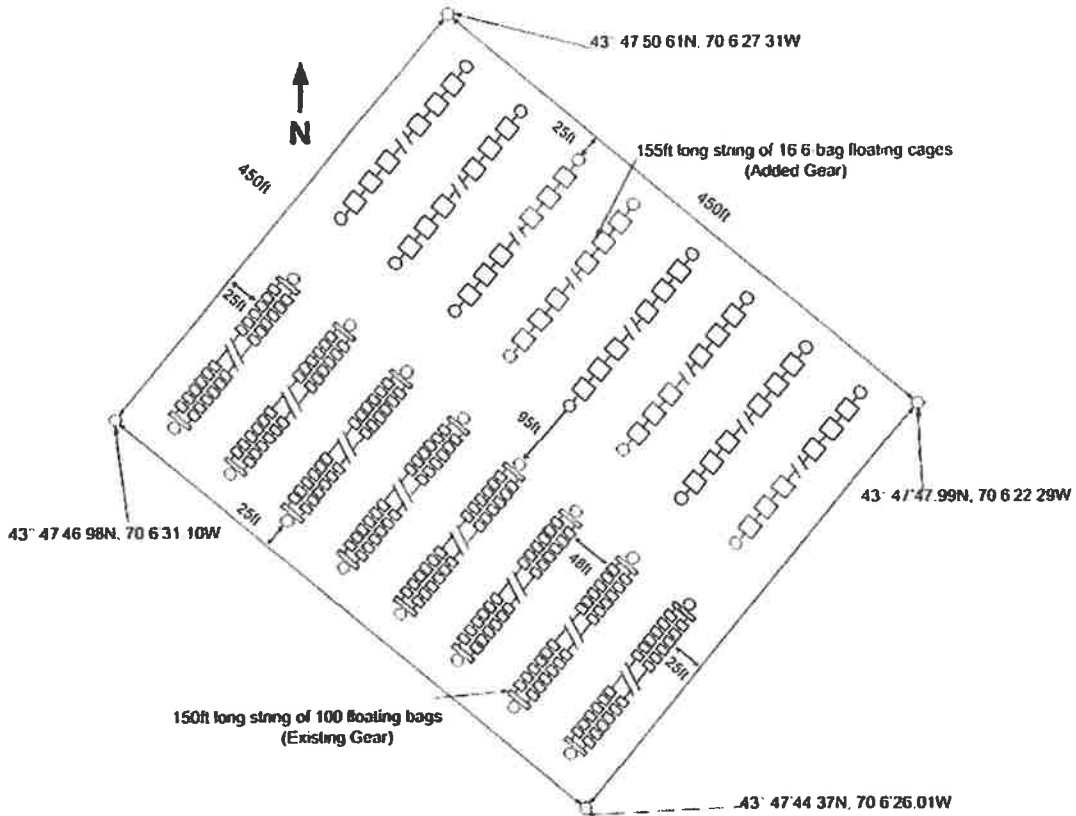
SHAWN B. MAHANEY
Digitally signed by SHAWN B. MAHANEY
Date: 2023.05.03 13:48:43 -04'00'

For: Frank J. Del Giudice
Chief, Permits and Enforcement Branch
Regulatory Division

Enclosure

5. Attachments

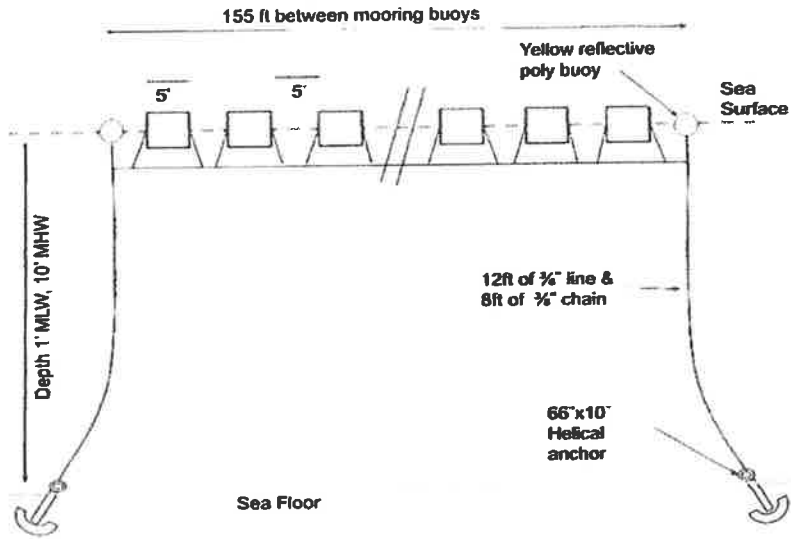
Layout plan:



**LOVE POINT OYSTERS, LLC
FREEPORT, MAINE
NAE-2019-02037
SHEET 1 OF 5 UNDATED**

Cross-Section View:

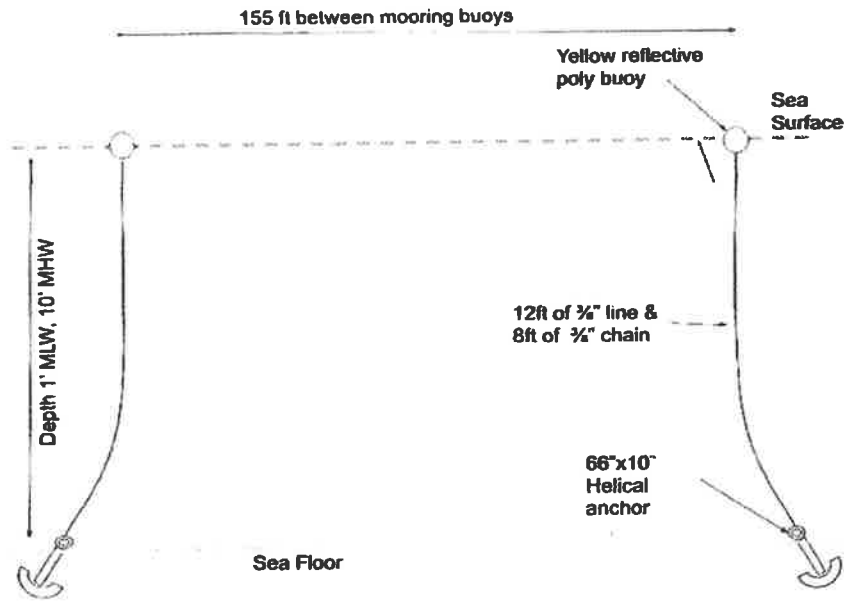
(April 1 - Dec 31)



**LOVE POINT OYSTERS, LLC
FREEPORT, MAINE
NAE-2019-02037
SHEET 2 OF 5 UNDATED**

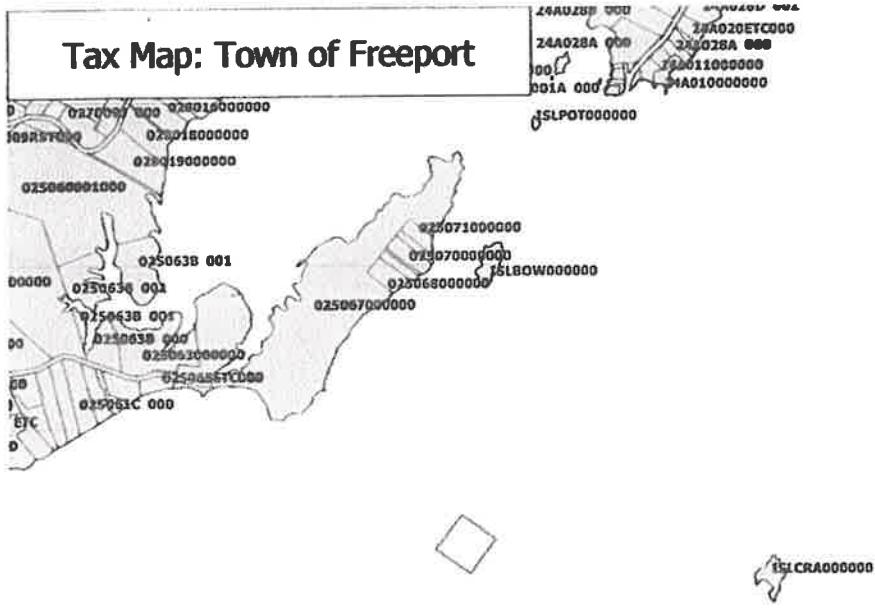
Cross-Section View:

(Jan 1 - March 31)



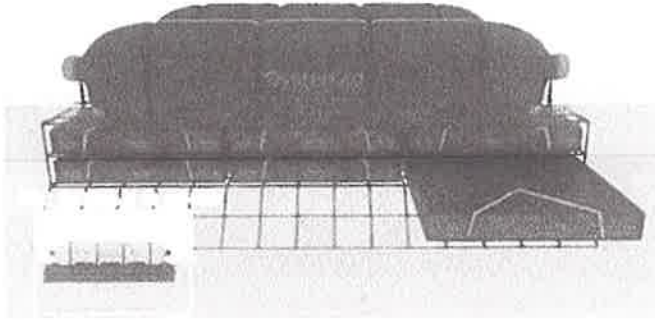
**LOVE POINT OYSTERS, LLC
FREEPORT, MAINE
NAE-2019-02037
SHEET 3 OF 5 UNDATED**

Tax Map: Town of Freeport

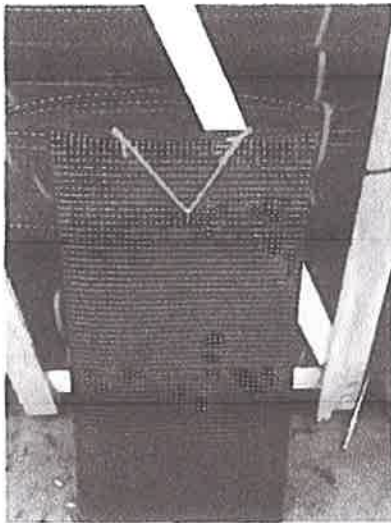


**LOVE POINT OYSTERS, LLC
FREEPORT, MAINE
NAE-2019-02037
SHEET 4 OF 5 UNDATED**

Gear Drawings:



Coated wire OysterGro floating 6-bag cages (60"L x 36"W x 24"H) (x128 units)



HDPE Mesh Bag (35"L x 18"W x 3"H) (x768 units)

**LOVE POINT OYSTERS, LLC
FREEPORT, MAINE
NAE-2019-02037
SHEET 5 OF 5 UNDATED**



DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
698 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

MAINE GENERAL PERMITS (GPs)
AUTHORIZATION LETTER AND SCREENING SUMMARY

Love Point Oysters, LLC c/o Cameron Barner
PO Box 281
South Freeport, 04078

CORPS PERMIT # NAE-2019-02037
CORPS GP(s) # 23
STATE ID# DMR CAS SP2

DESCRIPTION OF WORK:

To install and maintain up to one thousand six hundred (1,600) 35in. x 18in. x 3in. mesh bags along sixteen (16) longlines measuring 150ft. linear feet each and associated mooring tackle, within a 4.79 acre area below the mean high-water line of the Casco Bay (Southeast of Winslow Park) in Freeport, ME. DESCRIPTION OF WORK CONTINUED ON PAGE 2

LAT/LONG COORDINATES: 43.797392° N -70.107536° W USGS QUAD: FREEPORT, MAINE

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the Federal Permit, the Maine General Permit which can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/>. Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP(s) [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the GP(s) carefully, including the GP(s) conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP(s) requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 45 of the GP(s) (page 19) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP(s) on October 14, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.

IL STATE ACTIONS: PENDING [], ISSUED [], DENIED [] DATE December 20, 2021

APPLICATION TYPE: PBR: TIER 1: TIER 2: TIER 3: INDIV LURC: DMR LEASE: NA:

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: March 10, 2022 LEVEL OF REVIEW: Self-Verification: Pre-Construction Notification:

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 404 10/404 103

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Augusta, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Digitally signed by Heather S. Stukas
Date: 2022.04.25 08:04:25 -04'00'

HEATHER S. STUKAS
PROJECT MANAGER
MAINE PROJECT OFFICE

Frank J Del Giudice
Digitally signed by Frank J Del Giudice
Date: 2022.04.26 06:39:53 -04'00'

FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION



The eight southernmost lines will be submerged for overwintering between January to March and the eight northernmost lines will be removed from December to April. The lines will be anchored by two anchors, one at each end. The site will be utilized to cultivate American/eastern oysters (*Crassostrea virginica*). This work is described on the attached plans entitled "NAE-2019-02037/ DMR CAS SP 2, Love Point Oysters c/o Cameron Barner, Casco Bay (Southeast of Winslow Park) in Freeport, ME Lease" on 5 sheets undated.

PLEASE NOTE THE FOLLOWING
GENERAL & SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMITS 23
NO. NAE-2019-02037

3. Other Permits. Permittees shall obtain other Federal, State, or local authorizations as required by law. Permittees are responsible for applying for and obtaining all required State of Maine or local approvals including a Flood Hazard Development Permit issued by the town/city. Work that is not regulated by the State of Maine, but is subject to Corps jurisdiction, may still be eligible for authorization under these GPs.

11. Navigation

11(a). There shall be no unreasonable interference with general navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

11(c). Any safety lights and/or signals prescribed by the U.S. Coast Guard, State of Maine or municipality, through regulations or otherwise, shall be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.

11(d). The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

15. Historic Properties.

15(e). If the permittee discovers any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by these permits, the permittee shall immediately notify the district engineer of what was found, and avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

31. Storage of Seasonal Structures. Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year shall be stored in an upland location and not in wetlands, tidal wetlands, their substrate, or on mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of a structure that is waterward of the mean high water mark or the ordinary high water mark, e.g. the storage of a ramp or gangway on the pile-supported pier. Seasonal storage of structures in navigable waters, e.g., in a protected cove, requires prior Corps approval and local harbormaster approval.

33. Permit(s)/Authorization Letter On-Site. The permittee shall ensure that a copy of the terms and conditions of these GPs and any accompanying authorization letter with attached plans are at the site of the work authorized by these GPs whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are fully aware of the accompanying terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means all terms and conditions of the GPs, the GPs, and the authorization letter (including its drawings, plans, appendices and other attachments) and subsequent permit

modifications as applicable. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or subcontract shall require or allow unauthorized work in areas of Corps jurisdiction.

34. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. The Corps may also require post-construction engineering drawings and/or photographs for completed work or post-dredging survey drawings for any dredging work to verify compliance.

35. Maintenance. The permittee shall maintain the activity authorized by these GPs in good condition and in conformance with the terms and condition of these permits. This does not include maintenance dredging, related disposal, or beach nourishment projects, which are subject to review thresholds for GP 5 on page 30, unless specified in written authorization from the Corps.

43. Abandonment. If the permittee decides to abandon the activity authorized under these GPs, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the Corps.

Special Conditions

1. This permit authorizes aquaculture in accordance with the Standard Aquaculture Lease issued by the Maine Dept. of Marine Resources (ME DMR). This permit from the Corps remains valid only as long as the permittee maintains a current ME DMR lease. Should the DMR lease expire without renewal; be otherwise denied by ME DMR; or the permittee abandon the site, all structures shall be removed in their entirety from the site(s) and stored upland.
2. Except in the surface areas physically occupied by the structures, the permittee shall permit normal fishing and/or recreational and commercial boating activity to occur.
3. Aquaculture installations shall include minimal lighting (e.g. minimum lighting required to be consistent with coast guard requirements, down-lighting, lighting that avoids disorienting birds) and have no opportunity for bird entanglement (e.g. netting, potential for marine debris produced by the project).
4. No aquaculture gear is to be installed within intertidal habitats. The deployment of gear within the lease boundaries must be below low mean water.
5. Aquaculture equipment will not be allowed to drift into intertidal habitats or be stored, maintained, or otherwise accessed from salt marshes, seabird nesting islands, and other sensitive habitats. The permit holder will regularly search for equipment that drifts from the lease site. If the permittee observes that any of the gear has come loose and washed on to nearby shorelines or is contacted by anyone else who has observed loose gear, they shall immediately arrange with the landowner to remove the debris.

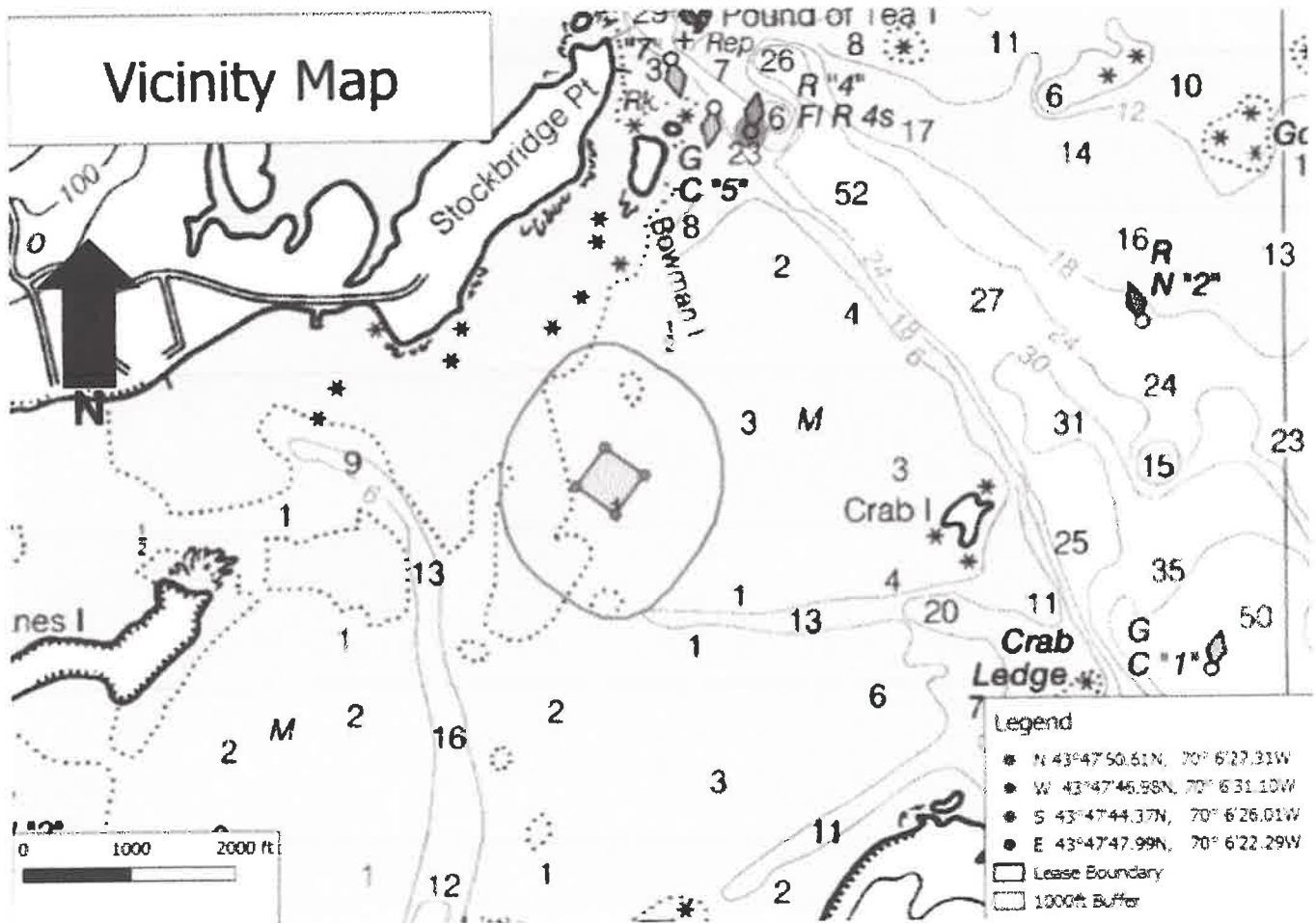
5. VICINITY MAP

Note: Please label as: 'Vicinity Map'.

Directions: Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the proposed lease site.

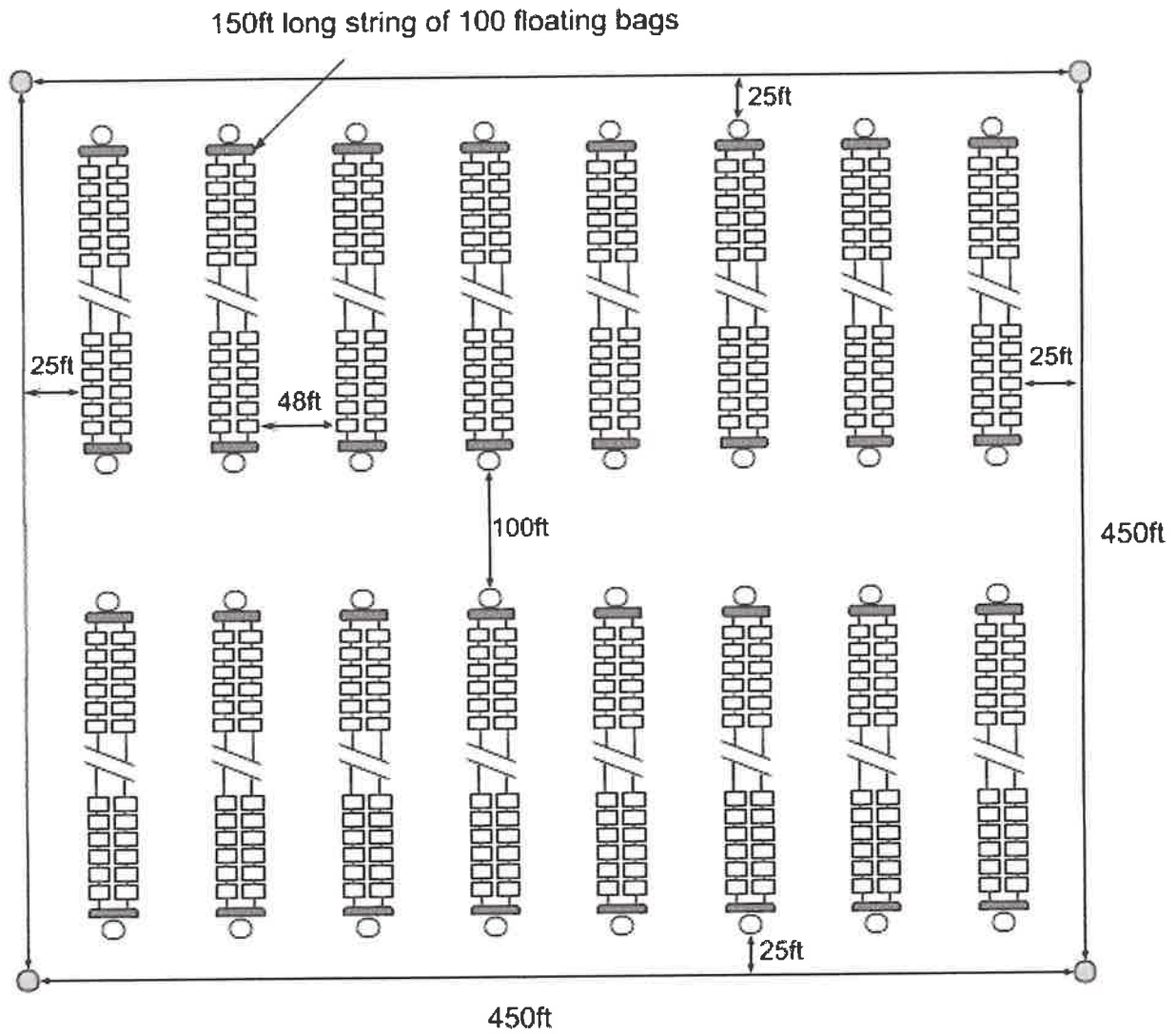
The map needs to display the following:

- The waters, shore lands, and lines of mean high and mean low water within the general area of the lease
- An arrow indicating true north
- A scale bar
- The approximate lease boundaries

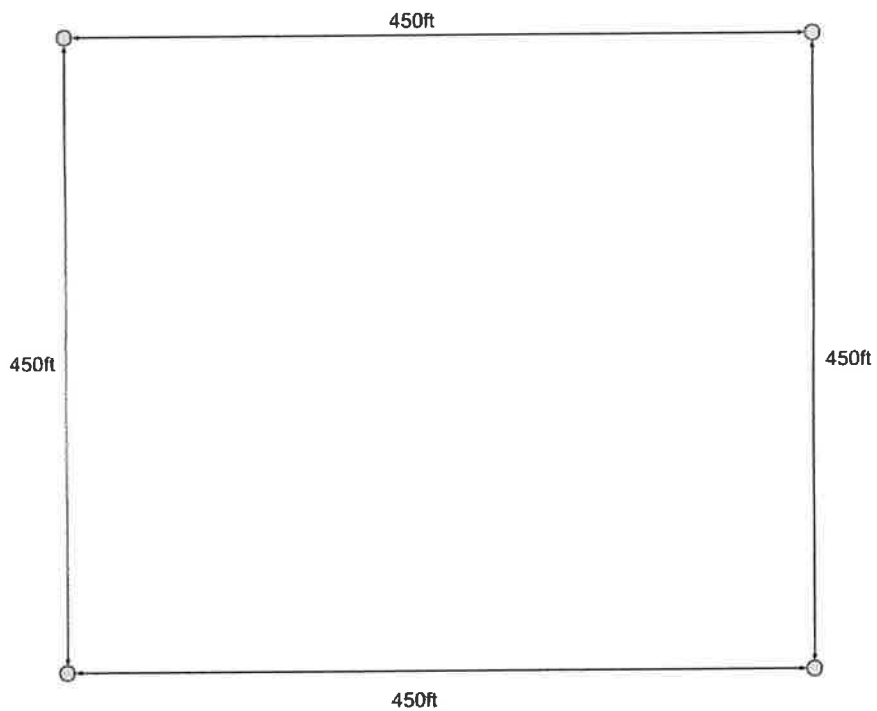


NAE-2019-02037/ DMR CAS SP 2,
Love Point Oysters c/o Cameron Barner,
Casco Bay (Southeast of Winslow Park) in Freeport, ME Lease
Sheet 1 of 5, Undated

Overhead View (April through December): Proposed lease site at full capacity (16 floating bag systems).

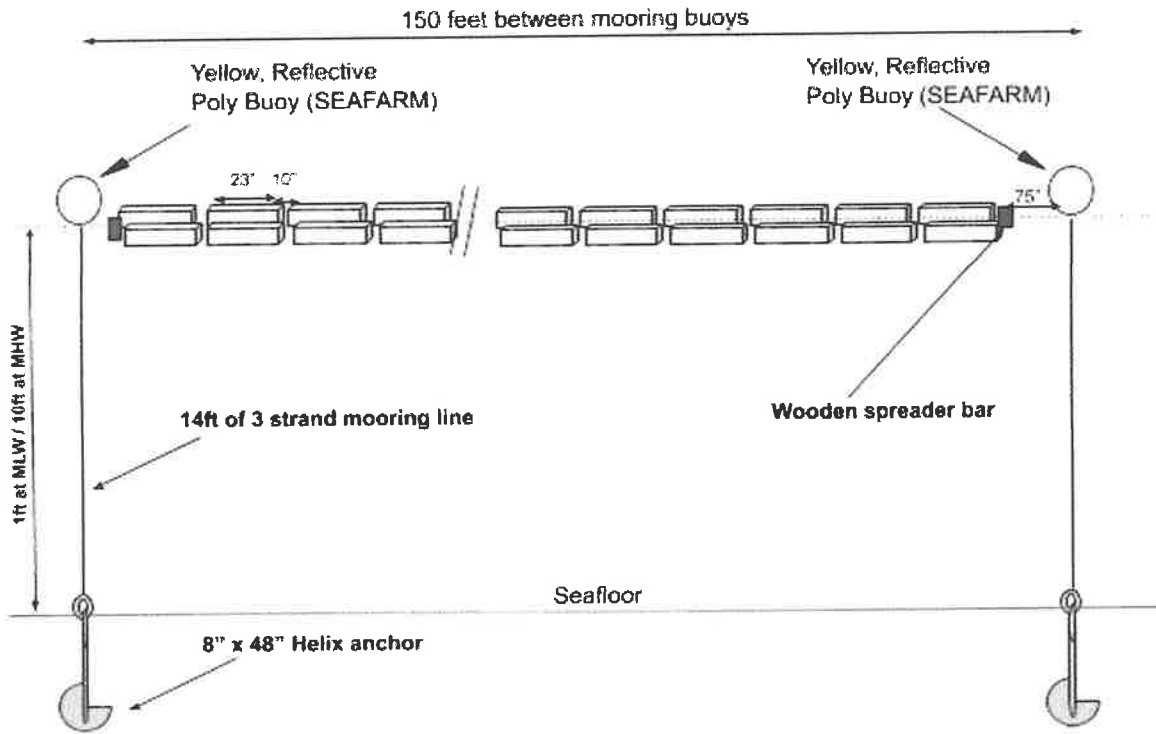


Overhead View (January through March):



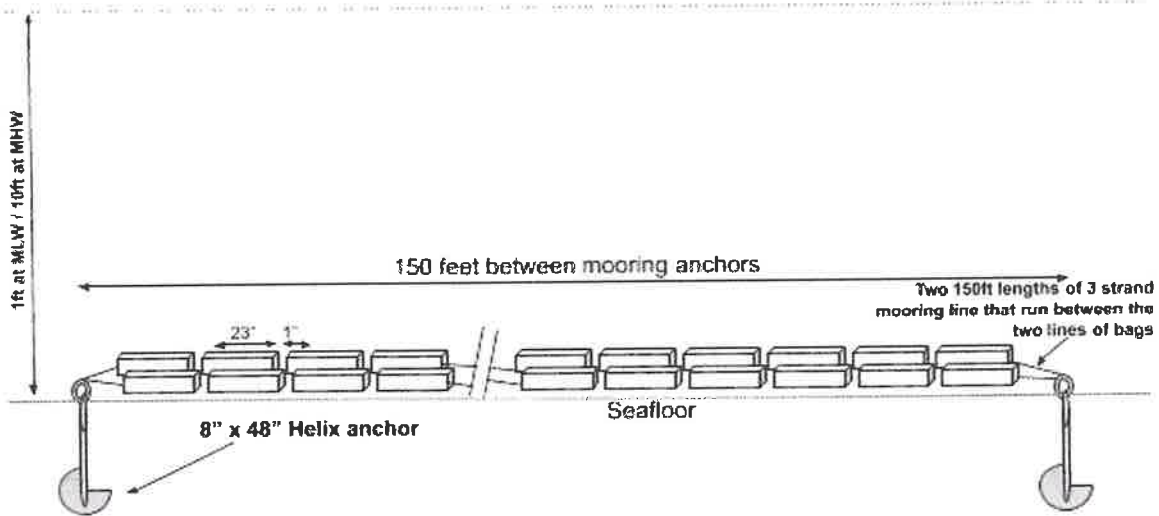
NAE-2019-02037/ DMR CAS SP 2,
Love Point Oysters c/o Cameron Barner,
Casco Bay (Southeast of Winslow Park) in Freeport, ME Lease
Sheet 3 of 5, Undated

Cross-Section View (April through December) - Floating Bag System:



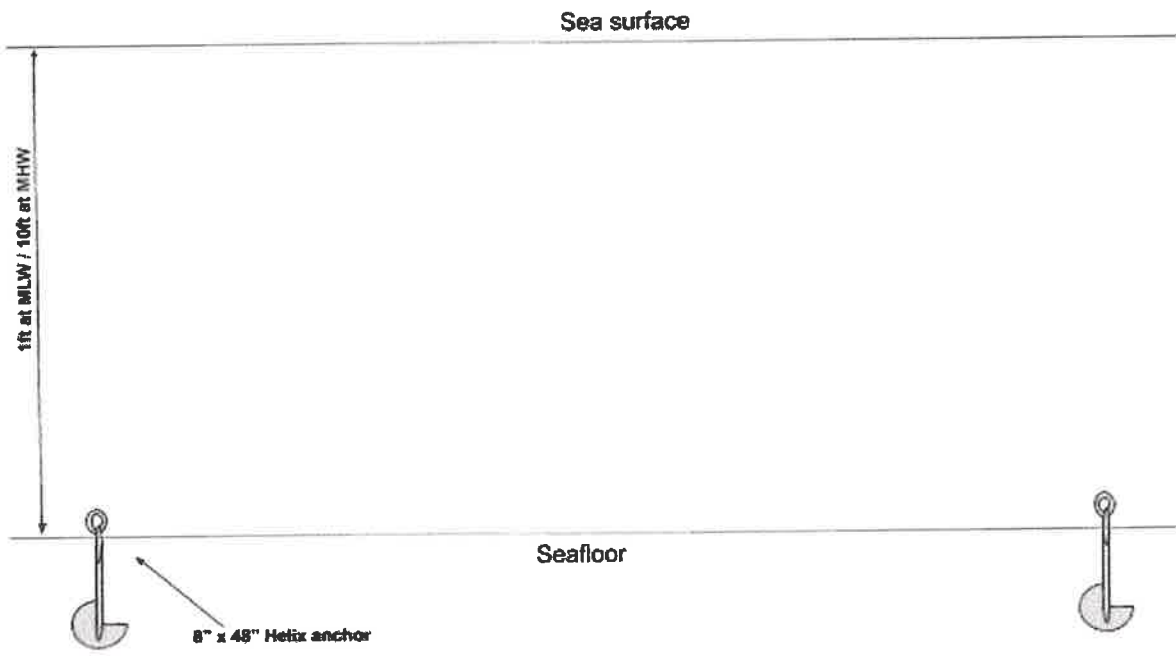
NOTE: Actual system will contain 100 floating bags per line (2 rows of 50 bags, separated by a spreader bar).

Cross-Section View (January through March) - Floating Bag System (1):



NOTE: Actual system will contain 100 bags per line (2 rows of 50 bags, separated by a spreader bar). This diagram represents the 8 southernmost floating bag system outlined for this proposed lease.

Cross-Section View (January through March) - Floating bag Systems (2):



NOTE: *This diagram represents the 8 northernmost floating bag system outlined for this proposed lease.*

NAE-2019-02037/ DMR CAS SP 2,
Love Point Oysters c/o Cameron Barner,
Casco Bay (Southeast of Winslow Park) in Freeport, ME Lease
Sheet 5 of 5, Undated