

## EXPERIMENTAL LEASE APPLICATION

### 1. APPLICANT CONTACT INFORMATION

Applicant	Love Point Oysters, LLC	
Contact Person	Cameron Barner	
Address	46 Howard St, Apt 2	
City	Portland	
State, Zip	Maine, 04101	
County	Cumberland	
Telephone	(207) 604-6166	
Email	cameron@lovepointoysters.com	
Payment Type	<input checked="" type="checkbox"/> Check (included)	<input type="checkbox"/> Credit Card

*Note: The email address you list here will be the primary means by which we will contact you. Please provide an email address checked regularly. If you do not use email, please leave this blank.*

### 2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	Freeport
Waterbody	Maquoit Bay
General Description (e.g. south of B Island)	East of Pettingill Island
Lease Information	
Total acreage (4-acre maximum) and lease term (3-year maximum) requested	3.99
Type of culture (check all that apply)	<input type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom) <input type="checkbox"/> Net Pen (finfish)
Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Note:** If you selected yes, you need to complete the steps outlined in the section titled: “17. Landowner/Municipal Permission Requirements”.

**3. GROWING AREA DESIGNATION**

*Directions:* Information for growing area designations can be found here:

<https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>

Growing Area Designation (e.g. “WL”):	WJ
Growing Area Section (e.g. “A1”):	A

**Note:** If you are proposing to grow molluscan shellfish in waters classified as anything other than open/approved, you will need to contact the Bureau of Public Health to discuss you plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

**4. GENERAL LEASE INFORMATION**

A. Please complete the table below and add additional rows as needed.

<b>Name of species to be cultivated</b> <i>(include both common and scientific names):</i>	<b>Name and address of the source of seed stock or juveniles</b>	<b>Maximum number (or biomass) of organisms you anticipate on the site at any given time</b>
American or eastern oyster ( <i>Crassostrea virginica</i> )	Muscongus Bay Aquaculture PO Box 204 Bremen, ME 04551  Mook Sea Farm 321 ME-129 Walpole, ME 04573	600,000

**B.** Do you intend to possess, transport, or sell whole or roe-on scallops?  Yes  No

**If you answered “yes”** please contact the Bureau of Public Health to discuss your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

**Note:** If you are proposing to grow molluscan shellfish, this application also serves as your written operational plan as required in the National Shellfish Sanitation Program (NSSP) Model Ordinance Chapter 2, and must be maintained in your files. If you wish to submit an operational plan separate from this application, please contact: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

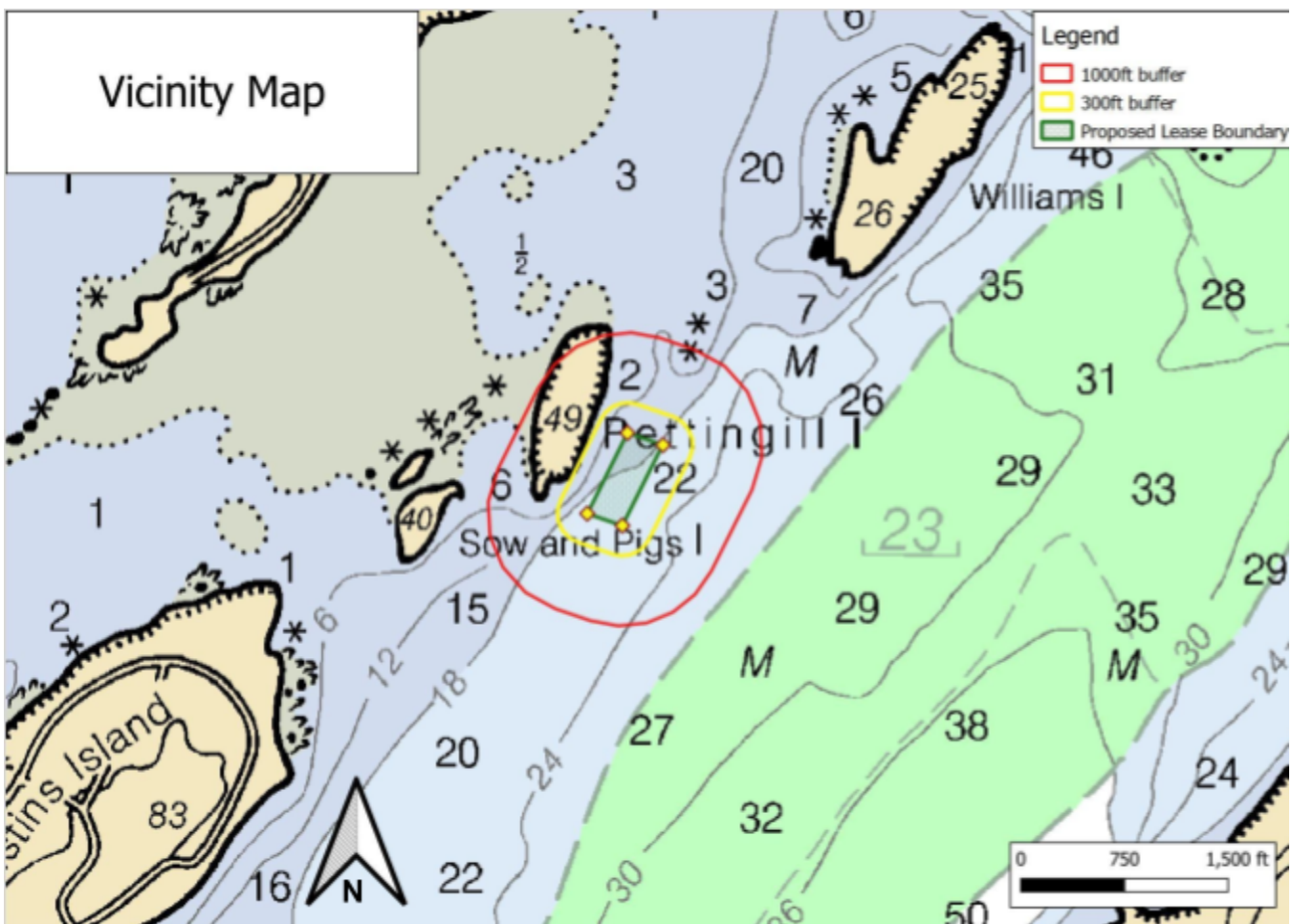
## 5. VICINITY MAP

**Note:** You may embed the maps within the document, or attach the maps to the end of your application. If you attach the maps, please label them according to the instructions provided below. If you attach the map, please label it: '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 scalebar
- The approximate lease boundaries



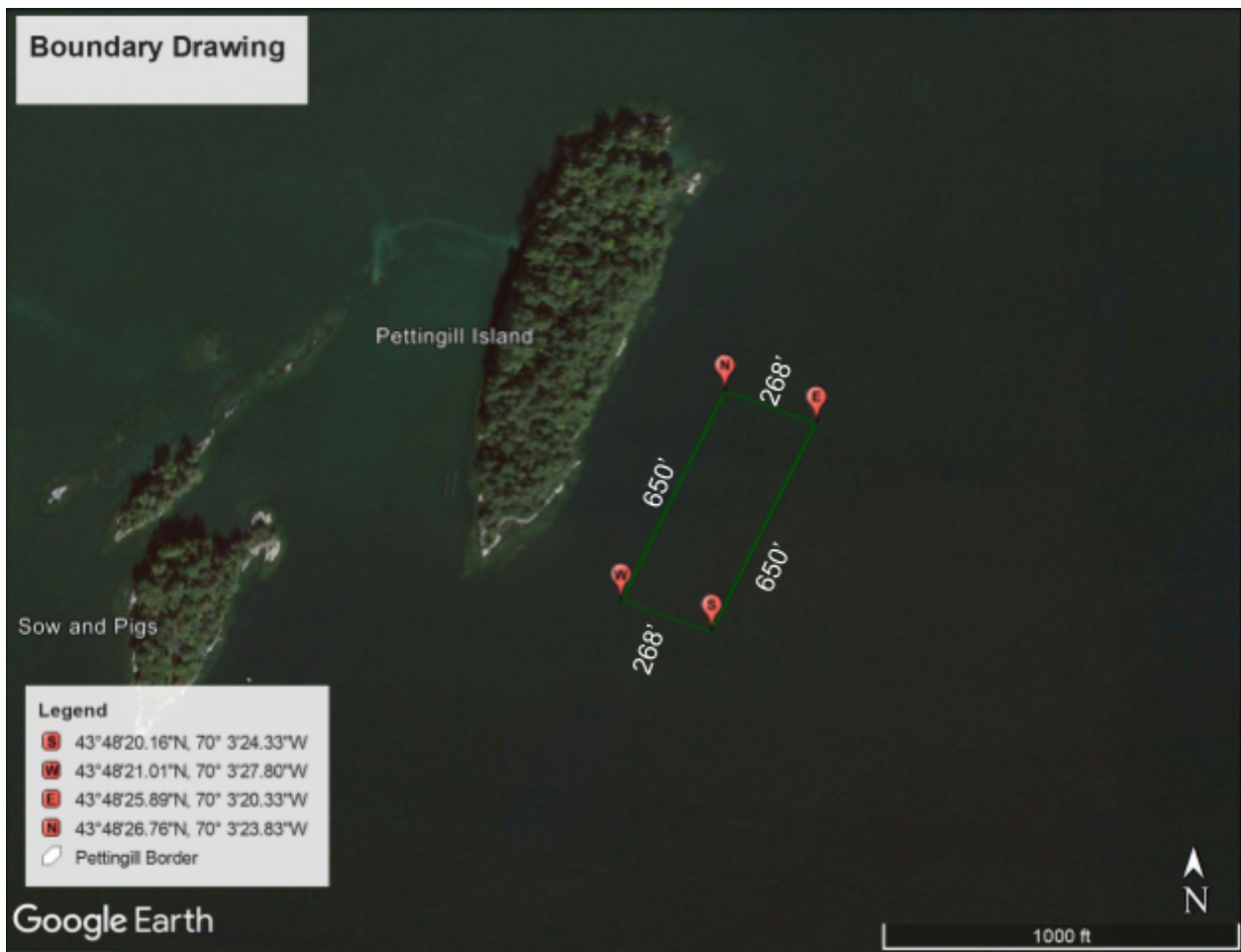
## 6. BOUNDARY DRAWING

**Note:** If you attach a drawing, please label it ‘Boundary Drawing’.

**Directions:** Depict the boundaries of the proposed lease site. Provide a drawing with all corners, directions, and distances labeled. Provide coordinates for each corner as follows:

- Coordinate Description

Provide geographic coordinates for each corner of the lease site in latitude and longitude as accurately as possible (e.g., to the nearest second or fraction of a second). Identify the datum from the map, chart, or GPS unit used to develop these coordinates. The datum will be shown on the map or chart you are using. The Coordinate Description may be provided separately from the Boundary Drawing.



## 7. RESEARCH PROGRAM AND OPERATIONS

**Directions:** If you are cultivating more than one species, you will need to provide the below information for each species. Please attach a separate page if needed.

A. Type of study (**check one**):  Scientific Research  Commercial Research

*Please note:*

*a) Product grown on experimental leases for scientific research cannot be sold. Results of scientific research are not kept confidential.*

*b) Experimental leases for commercial research are not renewable. Results of commercial research are kept confidential.*

**B. What is the purpose of the study? If scientific, please include a detailed study design.**

We intend to compare oyster growth rates and quality to that of oysters grown at our Upper Goose lease site (MID G1x).

**C. Describe the general culture process for each species proposed.**

Eastern Oysters will be grown in HDPE oyster bags (9mm and 14mm) inside of 6-bag oystergro brand wire cages. Oysters will be mechanically graded (offsite) roughly every 4-5 weeks during the growing season, and eventually hand culled for market (also offsite). The proposed site will hold oysters between the sizes of 1” and just premarket size (2.25”).

Cages will be flipped into the drying position weekly during the growing season to reduce biofouling.

**D. What months will the proposed activities (i.e. seeding, tending, and harvesting) occur?**

Oysters will be brought to the site at ~1” from our nursery site (CAS SP2) at various points throughout the growing season (May-Nov).

Flipping of cages will occur from April through November.

All other farming activities will occur offsite. Farmers will be onsite for short periods throughout the year in order to retrieve and return bags of oysters.

**E. How often will you be at the site during seeding and harvesting periods?**

Oysters will be added to the site at points throughout the growing season (May-November). This process will happen anywhere from 1-4 times per week.

We do not intend to routinely harvest oysters from this site, but if our farming operations require it, it will take place one day per week.

**F. How frequently will you visit/tend the site for routine maintenance (i.e. flipping cages, etc.)?**

Short periods of onsite work will occur 3-4 times per week between May and November, and 1-2 times per week between December and April.

**G. Describe the harvesting techniques you will use. If you plan on using a drag, please provide the dimensions.**

Removing pre-culled market oysters from grow out bags, counting them into market bags, and placing them in coolers (with ice when necessary).

**H. Describe any overwintering or “off season” plans for the site. For example, will you remove gear from the site and/or deploy gear in different areas within the proposed site? Please include where gear or product will be located if moved from the site.**

Gear will remain onsite during the winter months. All lines will be sunk in place. Divers will inspect sunken gear to ensure there is no tangling and gear can easily be raised in the Spring.

**I.** What type of machinery (e.g. generator, drag, grading equipment, etc.) will you be using on the site? When and how often will the machinery be used?

A 19' carolina skiff with a 50hp four-stroke Honda and a 24' custom aluminum skiff with a 115hp four-stroke Suzuki will be the two vessels operating onsite.

Small electric and hydraulic pot hauler winches will be used onsite during the first 3 and last 3 weeks of the Winter season for sinking and raising cages from the bottom.

**J.** Please provide details on any predator control techniques you plan to employ.

Oysters will always be stored in bags in cages to prevent predators from reaching the oysters.

**K.** Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. In order to comply with the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), DMR is requiring that applications for the suspended culture of shellfish include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds at the proposed site. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Submerging suspended gear and associated product at a depth sufficient to deter roosting for two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- The site is proposed for the culture of seed only
- The site is proposed for the culture of adductor-only scallops (i.e. no other shellfish species would be grown on the site)
- Proposed gear would always be suspended below the surface of the water at a depth sufficient to deter roosting (i.e. as is common for scallop lantern nets)

The proposed site is well exposed and often has high winds and high surf. We believe this prevents the congregation of seabirds on the floating cages. This has been the case for the LPA licenses that we operate in the area.

If birds become an issue we will use physical deterrents such as long zip ties and fake birds of prey.

## 8. EXISTING USES

**Directions:** Describe the existing uses of the proposed area. Please include the amount of activity, the time of year the activity occurs, frequency, and proximity to the lease site.

<p>A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year c) frequency, and d) proximity to the lease site for each existing use.</p>
<p><b>1. Commercial Fishing</b></p> <p>Seasonal lobstering and bait fishing take place in and around this area from June through November but it is not heavily fished like other areas of the bay. Traps have been observed closer to the coastline of Pettingill Island, approximately 100 feet from the proposed site.</p>
<p><b>2. Recreational Fishing</b></p> <p>Recreational anglers will occasionally fish the shoreline of the islands, where there is more structure and food for gamefish from July through September, approximately 150 feet from the proposed site.</p>
<p><b>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)</b></p> <p>Recreational boaters are active in the area from June through September but proposed operations should neither interfere with their navigation nor enjoyment of the bay.</p>
<p><b>4. Ingress and egress (i.e. coming and going) of shorefront property owners within 1,000 feet of the proposal (e.g. docks, moorings, landing boats on shore, etc.)</b></p> <p>The proposed site and activities should not pose an imposition to any ingress or egress from the moorings to the Northwest of the site or to the dock to the Southwest of the proposed site.</p>
<p><b>5. Other uses (kayaking, swimming, etc.)</b></p> <p>Adventurous paddlers will make their way past the Freeport islands in kayaks and paddleboards but proposed operations should neither interfere with their navigation nor enjoyment of the bay. Paddlers have been observed passing between Bustins Island and Sow and Pigs, approximately 1600 feet from the proposed site.</p>
<p>B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from proposed lease.</p>
<p>Yes.</p> <p>Near mooring is ~300ft to the N Far mooring is ~900ft to the N Dock is ~ 1,000ft to the SW</p>



C. Are there public beaches, parks, or docking facilities within 1,000 feet of the proposed lease site. If yes, please describe and include approximate distances from proposed lease.

NA

D. Are there any Limited Purpose Aquaculture (LPA) licenses or aquaculture leases within 1,000 feet of your proposed lease site? If yes, please list their acronyms below. Current and pending aquaculture leases and active LPA licenses may be found here: <https://www.maine.gov/dmr/aquaculture/leases/index.html>

Yes.

CBAR422

CBAR522

BHAM722

BHAM822

## 9. CURRENT OPERATIONS

**Directions:** If a question does not pertain to your proposed operations, please write “**not applicable**” or “**N/A.**”

A. Describe your existing aquaculture operations, including the acronyms of all active leases and/or licenses.

We currently operate x4 LPAs of 14 6-bag oystergro cages each within the proposed lease site. These current LPAs are operated in the same manner as is described for the proposed lease site.

B. What are your plans for any existing leases and/or Limited Purposed Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or Limited Purpose Aquaculture (LPA) licenses be relinquished if the lease is granted? If so, please indicate which ones.

We will be releasing the LPA licenses that are encompassed by this proposed experimental lease.

CBAR422  
CBAR522  
BHAM722  
BHAM822

## 10. EXCLUSIVE USE

If your lease is granted, what activities would you request be excluded from occurring within the boundaries of the lease site? In your answer please address applicable commercial and recreational fishing, boating activities, and other activities you listed in the 'Existing Uses' section of this application.

All uses (recreational and commercial), aside from the use of all drags or dredges, is permitted within the boundaries of the proposed lease so long as it does not cause damage to the installed gear.

## 11. ENVIRONMENTAL CHARACTERIZATION

**Directions:** Using your knowledge of the area, describe the environment of the proposed lease site. Be sure to include units of measurement in your answers (i.e. feet, cm/s).

A. What are the approximate depths at mean low water?

~21ft

B. What are the approximate depths at mean high water?

~30

C. Provide the approximate current speed and direction during the ebb and flow.

Current ranges between 0 and 2 knots and ebbs and flows North to South.

D. The following questions (D.1 through D.6) may be answered in writing or by submitting a video. If you plan to submit a video, please contact the Department prior to video collection.

1. What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?

The bottom is made up of mostly mud and silt.

2. Describe the bottom topography (flat, steep rough, etc.).

The bottom slopes gradually down from the West to the East.

3. Describe marine organisms by species or common names. Based on your personal observations or other sources of information, are these species abundant, common, or rare?

The following organisms have been: Jonah crab, green crab, marine worms, and small translucent shrimp. All organisms were rarely observed.

<p><b>4.</b> Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</p>
<p>NA</p>
<p><b>5.</b> Describe the presence and extent of submerged aquatic vegetation, i.e. eelgrass, within the proposed lease area. Please include the date of this observation along with the method of observation. If submerged aquatic vegetation is observed, please also describe the abundance below and sketch the limits of the beds in the vicinity map.</p>
<p>No submerged vegetation has been observed on the site. Observations were made in December of 2020, and December of 2022.</p> <p>The Maine Aquaculture Webmap ‘<i>Eelgrass 2018 (Casco Bay only)</i>’ layer shows the closest eelgrass bed being 320ft to the NNW</p>
<p><b>6.</b> Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)</p>
<p>The shoreline is rocky and densely forested.</p>

<p>E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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**Note:** The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

**If a project is located within an Essential Habitat,** applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator ([John.Perry@maine.gov](mailto:John.Perry@maine.gov), phone: 207-287-5254) prior to application submission.

F. Will your operations discharge anything into the water such as feed (pellets, kelp, etc.) or chemical additives (therapeutants, chemical treatments, etc.)?

Yes  No

**Note:** If you answered yes, you must submit a video of the bottom using a method prescribed by the Department. **The video must be filmed between April 1 and November 15.** If a discharge is proposed you will also need to obtain a Maine Department of Environmental Protection (DEP) discharge permit. For information on this permit please contact DEP's Wastewater Licensing Program ([Gregg.wood@maine.gov](mailto:Gregg.wood@maine.gov), 207-287-7693). Further sampling may be required by DMR, or DEP, depending on the characteristics of the site or the proposed activities.

## 12. STRUCTURES *(if applicable)*

If your operations require the use of cages, nets, ropes, trays, or any object (structure) other than the organism to be grown directly on the bottom or buoys to mark the corners of the lease site, you must submit an **Overhead View** and **Cross-Section View** of your gear plans. It is important to note that, unlike Limited Purpose Aquaculture (LPA) Licenses, experimental and standard leases require that all gear, including moorings, must be located within the proposed lease boundaries.

**Note:** You may embed the gear plans, or attach them to the end of your application. If you attach the plans, please label them according to the instructions provided below.

A) **Overhead View** (please label this "Overhead View"):

**Directions:** All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in)

- Show maximum layout of gear including moorings.
- Show dimensions of entire gear layout
- Show approximate spacing between gear.
- Show lease boundaries and the location of proposed markers on all drawings.

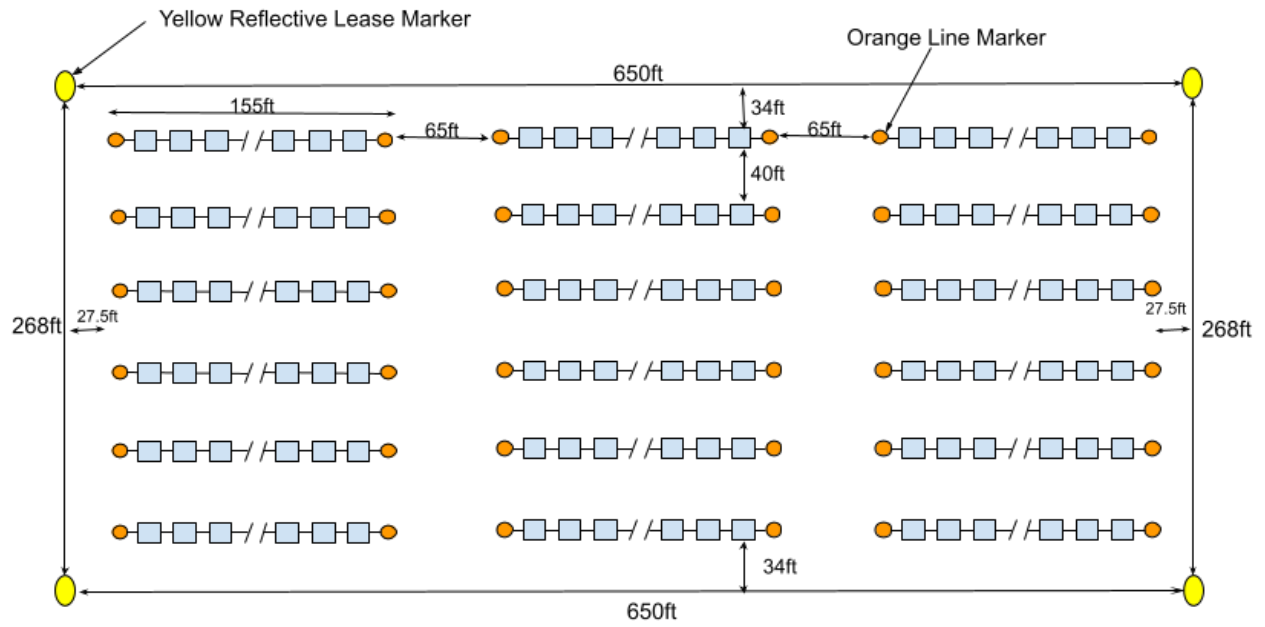
B) **Cross-Section View** (please label this "Cross Section View"):

**Directions:** The cross-section view must show the following:

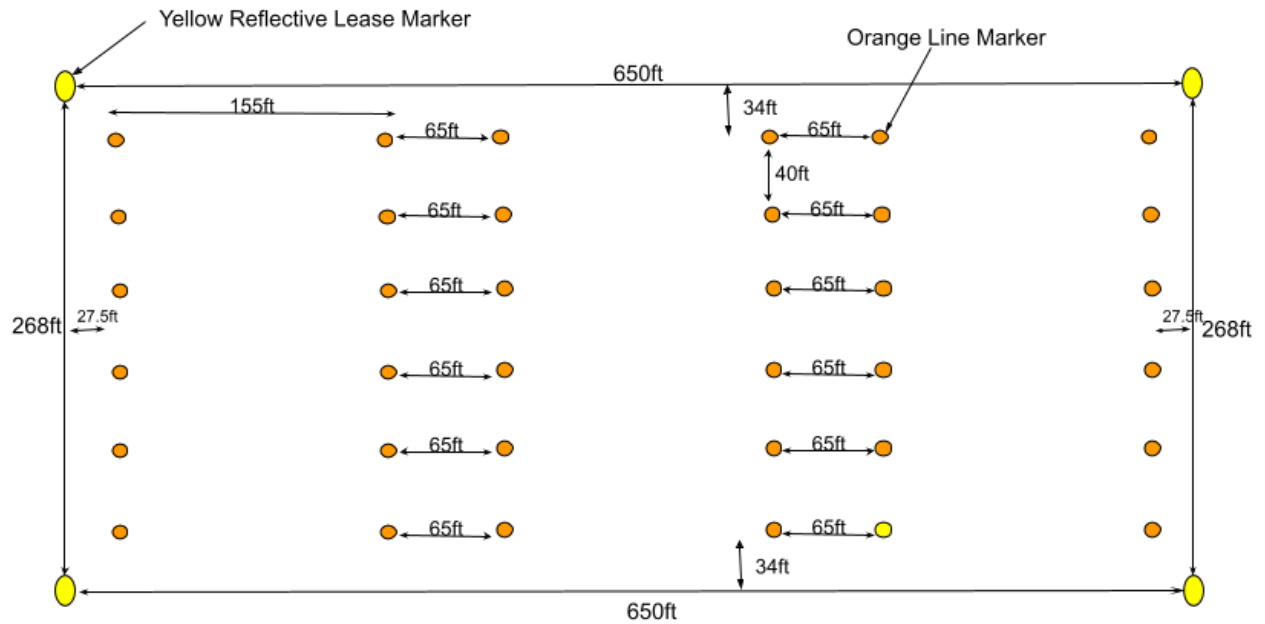
- The sea bottom
- Profile of gear in cross-section as it will be deployed
- Label gear with dimensions and materials
- Show mooring gear with mooring type, scope, hardware, and line type and size
- Water depth at mean high and mean low water

**Note:** Please include an additional Cross Section View, depicting the elements listed above, if there will be seasonal changes to gear layout (i.e. over wintering).

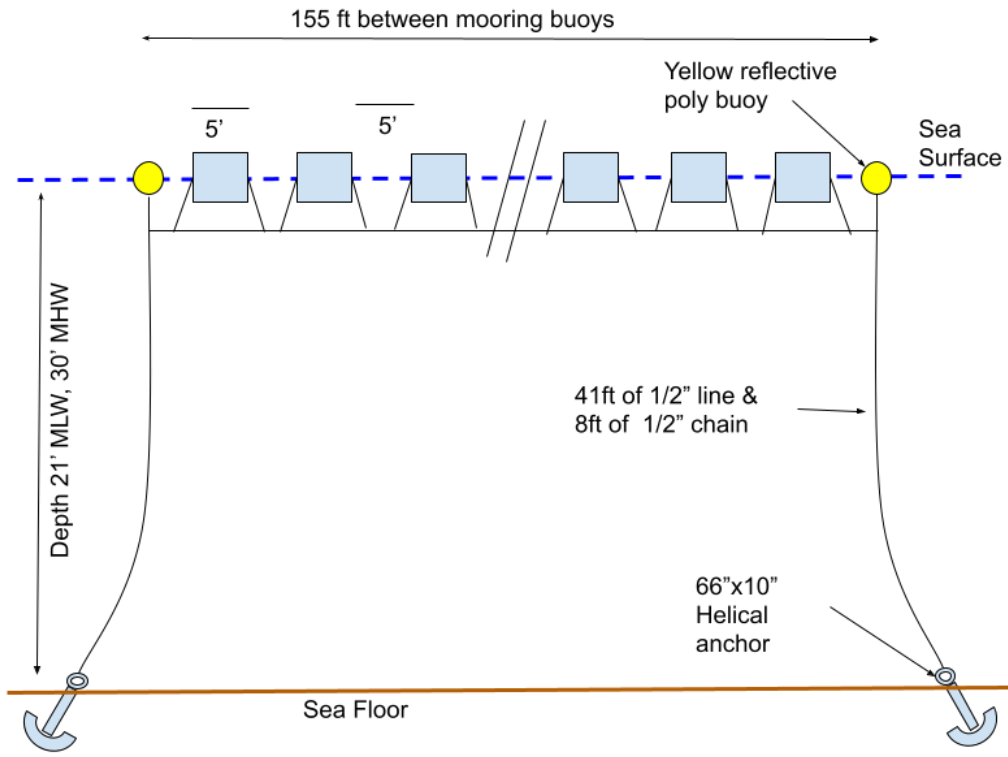
**Overhead View (April-Dec)**



**Overhead View (Jan-March)**

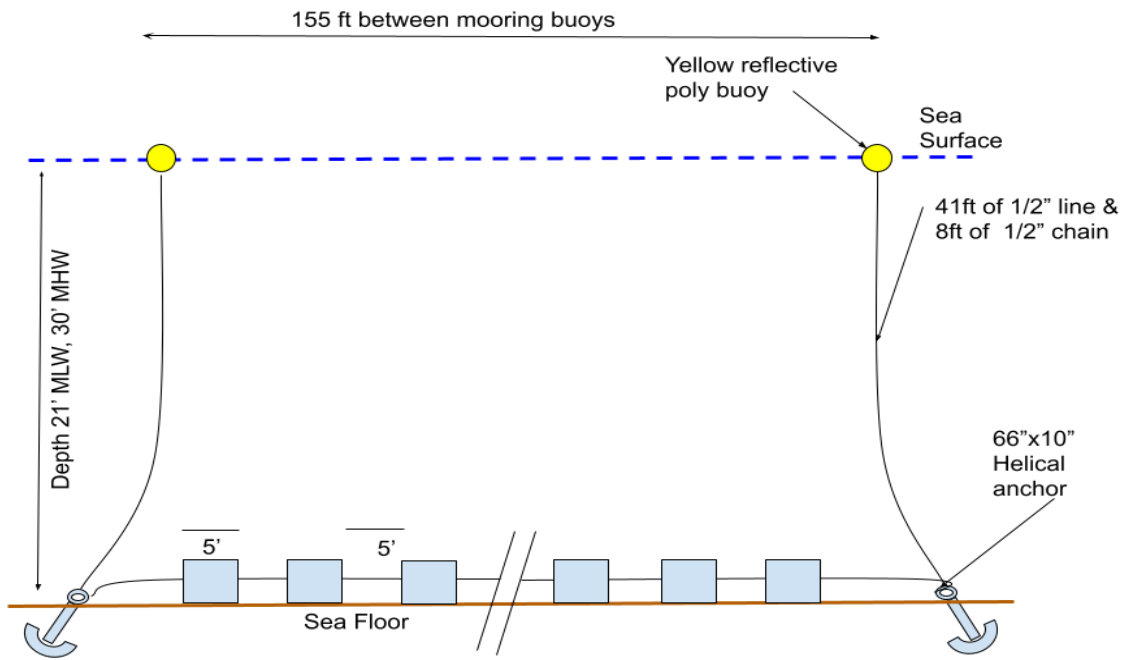


## Cross-sectional View (April-Dec)



**\*Each longline contains 15 6-bag oystergro cages**

## Cross-sectional View (Jan-March)



**\*Each longline contains 15 6-bag oystergro cages**



### C) Gear Description

**Directions:** List and describe each individual gear type that you will use in the table below.

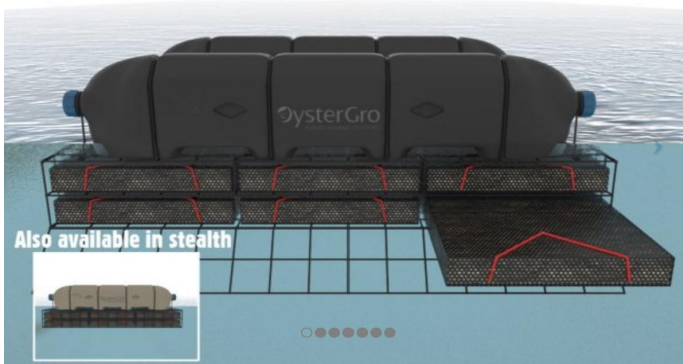
<b>Specific Gear Type</b> <i>(e.g. soft mesh bag)</i>	<b>Dimensions</b> <i>(e.g. 16''x20''x2'')</i>	<b>Time of year gear will be deployed</b> <i>(e.g. Spring, Winter, etc.)</i>	<b>Maximum amount of this gear type that will be deployed on the site</b> <i>(i.e. 200 cages, 100 lantern nets, etc.)</i>	<b>Species that will be grown using this gear type</b>
OysterGro 6-Bag Cages	60" x 36" x 24"	Year-round	270 cages	Oysters
HDPE Mesh Bags	35" x 18" x 3"	Year-round	1620 bags	Oysters
Line	½" sinking line	Year-round	4,500'	Oysters
Chain	½" mooring chain	Year-round	288'	Oysters
Buoy	7.25" x 22" hard shell buoy	Year-round	36 buoys	Oysters
Mooring	66" x 10" helical anchor	Year-round	36 anchors	Oysters

**D) Gear Drawing** (please label this “Gear Drawing”).

**Directions:** Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. The drawing(s) needs to depict the length, width, and height of each gear type with appropriate units referenced (i.e. 10in, 10ft, etc.).



**1) HDPE Mesh Bag (35”L x 18”W x 3”H)**



**2) OysterGro floating 6-bag cages (60”L x 36”W x 24”H)**

### 13. MARKING

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? In part, this requires marker buoys which clearly display the lease ID and the words SEA FARM to be located at each corner of the lease. Effective January 1, 2023, marker buoys must be yellow and host reflective material.

Yes     No

If you answered no, explain why and suggest alternate markings.

*Note:* If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard regulations contact: 1<sup>st</sup> Coast Guard District, Aids to Navigation Office.

### 14. RIPARIAN LANDOWNERS AND SITE ACCESS

A. If your lease is within 1,000ft of shorefront land (**which extends to mean low water or 1,650 ft. from shore, whichever is less, according to NOAA charts**), the following supporting documents are required:

1. A labeled copy of a tax map(s) depicting the location of the proposed lease site and including the following elements:
  - Label the map “Tax Map: Town of (name of town).”
  - Legible scale
  - Tax lot numbers clearly displayed
  - The boundaries of the proposed lease
2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000ft of the proposed lease site. Have the tax collector or clerk of the municipality certify the list. Refer to the riparian determination guidance document to ensure all riparian landowners are included:  
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>

*Note:* When the application and riparian list are both ready to be submitted, you may choose to email a copy of the riparian list and proposed lease coordinates to [DMRAquaculture@maine.gov](mailto:DMRAquaculture@maine.gov) for staff to verify that all required parcels are included on the list *before* having it certified by the municipality. DMR will not verify a riparian list multiple times, so please ensure there will be no additional changes to the application before emailing the riparian list for verification.

3.If any portion of the site is intertidal you need to complete the steps outlined in “17. Landowner/Municipal Permission Requirements”.

B. Will your access to the lease area be across riparian land?

Yes     No

**Note:** If you selected yes, you will need to complete the landowner permission requirements included in “17. Landowner/Municipal Permission Requirements” of this application.

C. How will you access the proposed site?

Via boat moored in the Harraseeket river, or launched at Winslow Memorial Park or Merepoint Boat Launch.

## RIPARIAN LANDOWNER LIST

THIS LIST MUST BE **CERTIFIED** BY THE TOWN CLERK

On this list, please include the map number, lot number, and the current owners' names and mailing addresses for all shorefront parcels within 1,000 feet of the lease site. 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 riparian parcels are located within more than one municipality, provide a separate, tax map and certified riparian list for each municipality.

TOWN OF: **Freeport, ME**

MAP #	LOT #	Landowner name(s) and address(es)
ISL	PET-0	GOULD, JOHN & JEREMY & ANDREW REID 221 HODSDON ROAD POWNAAL, ME 04069
ISL	5 BRENTHAM RD	ISLAND REALTY TRUST 5 BRENTHAM ROAD NORTH BILLERICA, MA 01862

**Please use additional sheets if necessary and attach hereto.**

### **CERTIFICATION**

I, Christine Wolfe, 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: Christine Wolfe DATE: 04/05/2023



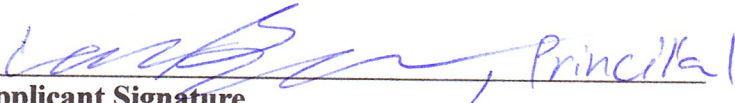
**15. ESCROW ACCOUNT OR PERFORMANCE BOND**

Check the category that describes your operation:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
<input type="checkbox"/>	No gear/structure, no discharge	None
<input type="checkbox"/>	No gear/structure, discharge	\$500.00
<input type="checkbox"/>	≤ 400 square feet of gear/structure, no discharge	\$1,500.00
<input checked="" type="checkbox"/>	>400 square feet of gear/structure, no discharge	\$5,000.00*
<input type="checkbox"/>	Gear/Structure, discharge	\$25,000.00

\*DMR may increase the bond/escrow requirements for leases with more than 2,000 feet of structure.

I, (printed name of applicant) Cameron Barner have read DMR Aquaculture Regulations 2.64(12)(B)) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

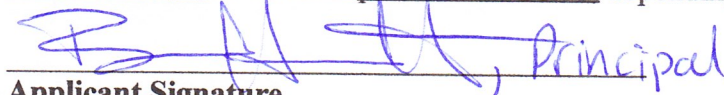
, Principal  
**Applicant Signature**

1/24/23  
**Date**

*Note: Add title if signing on behalf of a corporate applicant.*

**ADDITIONAL APPLICANTS:** Each applicant must sign this section indicating that they will open an escrow account or obtain a performance bond. Use the space below for additional persons listed on the application. You may attach additional pages, if necessary.

I, (printed name of applicant) Ben Hamilton have read DMR Aquaculture Regulations 2.64(10)(D) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

, Principal  
**Applicant Signature**

1/24/23  
**Date**

*Note: Add title if signing on behalf of a corporate applicant.*

## 16. APPLICANT SIGNATURE PAGE

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 experimental lease process.

Printed name: Cameron Barner

Title (if corporate applicant): Principal

Signature:  Date: 1/24/23

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 (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.



## 17. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS *(if applicable)*

### **PART I: The use of private property to access your site.**

Pursuant to 2.64(C)(6) if you are using private property to access the proposed lease site, you need to submit written permission from the property owner with your application. It is your responsibility to obtain written permission. Please note that the Department does not provide forms for landowner or municipal permission. **If any portion of your site is also intertidal you will need to complete the steps outlined in Part II, below.**

### **PART II: If any portion of the site is intertidal you need to complete the following steps:**

#### **Step I: Obtain written permission from all intertidal landowners.**

Pursuant to 2.64(C)(6) the Department requires *written permission of every owner of intertidal land in, on, or over which the experimental activity will occur*. It is your responsibility to obtain written permission and include it with your application materials. Please note that the Department does not provide forms for landowner permission.

#### **Step II: Determine if the municipality where your site is located has a shellfish conservation program.**

Pursuant to 12 MRSA §6072(3) *In any municipality with a shellfish conservation program under section 6671, the Commissioner may not lease areas in the intertidal zone within the municipality without the consent of the municipal officers.*

If the municipality where the proposed lease site is located has a shellfish conservation program, it is your responsibility to obtain consent for the proposed lease site from the municipal officers (i.e. the selectmen or councilors of the town, or the mayor and aldermen or councilors of a city.) Consent means a majority vote of the municipal officers as recorded in a public meeting.

It is your responsibility to contact the municipality and determine if they have a shellfish conservation program. Best practices would include discussing your plans with shellfish committee members, but only the consent of municipal officers is required.

1. Does the municipality, where the proposed site is located, have a shellfish conservation program?  Yes  No

**If you answered yes**, please attach documentation from a public meeting demonstrating that a majority of municipal officers have consented to your proposal.