

LEASE EXPANSION APPLICATION

1. APPLICANT CONTACT INFORMATION

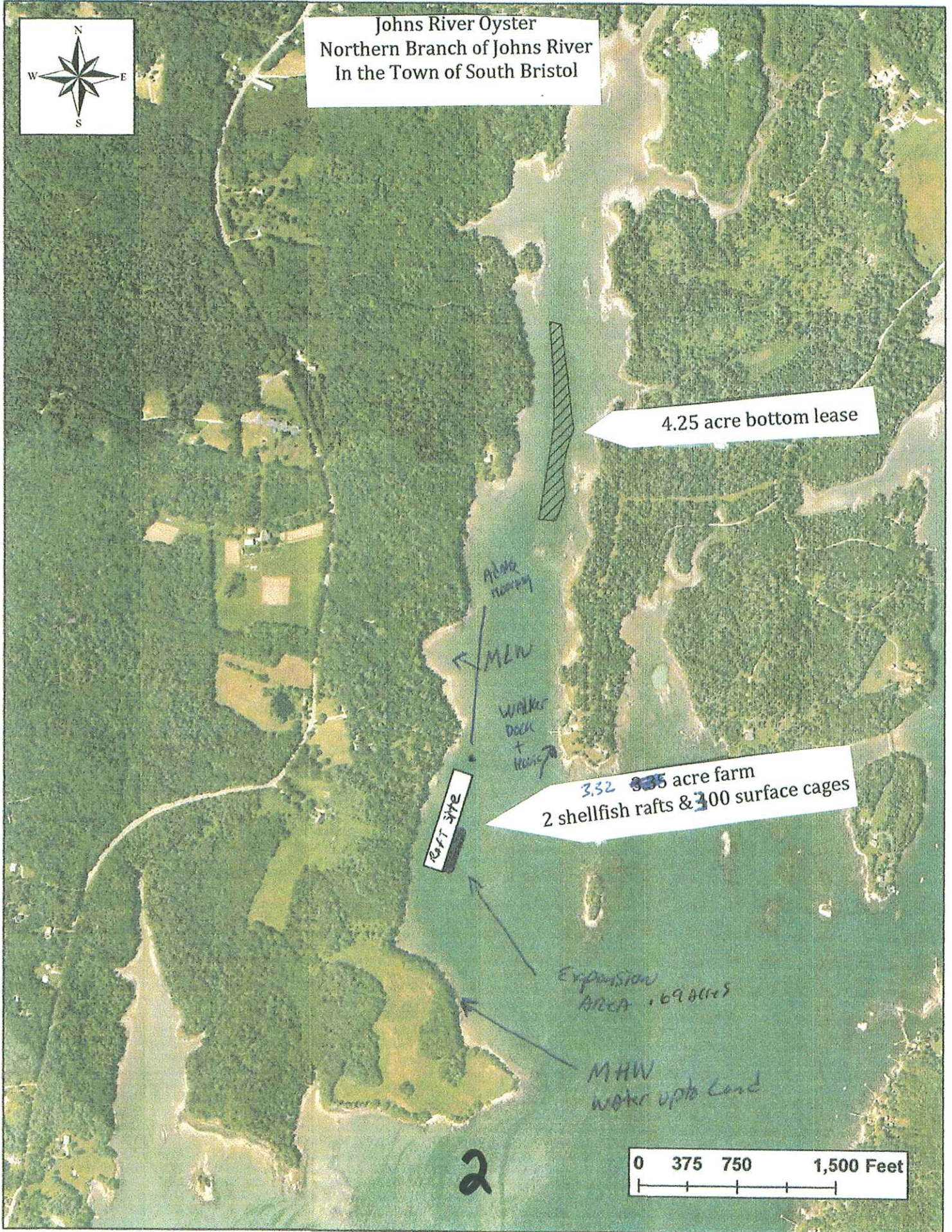
Acronym of Lease Proposed for Expansion	John NB3
Applicant	Johns River Shellfish LLC
Contact Person	Dave Cheney
Address	1 Chickadee Way
City	New Harbor, ME
State, Zip	ME 04554
County	Lincoln
Telephone	207 350-0847
Email	johnsriveroystertidewater.net

Note: If applicant is a corporation or a partnership, please complete the "Corporate Applicant Information Document" available at: <http://www.maine.gov/dmr/aquaculture/forms/experimental.html>

2. PROPOSED LEASE SITE INFORMATION

Acreage of Existing Lease	6.83
Acreage of proposed expansion (up to 25% of existing lease or 4 acres, whichever is less)	0.69
Town	South Bristol
County	Lincoln
Waterbody	Johns River
Type of Culture Proposed for Expansion	<input type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom)
Would your proposed expansion discharge anything into the water such as feed or additives ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note: If you checked yes, you will need to contact the Maine Department of Environmental Protection (DEP) Wastewater Licensing Program (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.
Is any portion of the proposed expansion above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note: If you selected yes, please complete the permission requirements included in section "15. Landowner/Municipal Permission Requirements".

3. Vicinity MAP



Johns River Oyster
Northern Branch of Johns River
In the Town of South Bristol



4.25 acre bottom lease

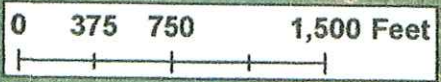
3.52 ~~3.35~~ acre farm
2 shellfish rafts & 300 surface cages

RAFT #142

MLW
Walker Dock + Raft #70

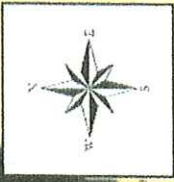
Expansion Area .69 acres

MHW water up to land



2

South Lease TRAT is NOT tidal - only 40' of shoreline exposed MLW



3

Walker

1

*

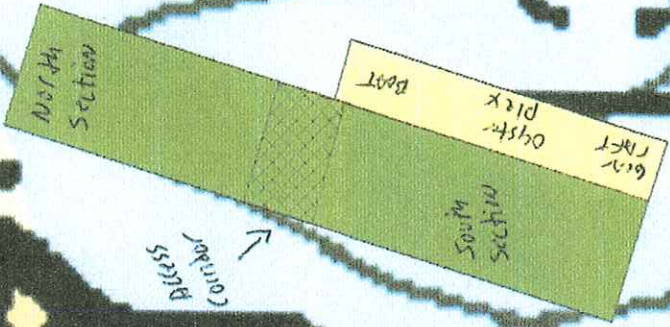
5

11

4

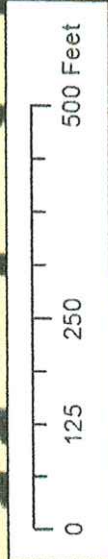
3

trial plot



Riparian Access Corridor

2



JOHN N83
South tract

4. Boundary Drawing:

- Green rectangle:
Existing lease set-up
- Yellow rectangle:
Proposed expansion area
75' wide x 400' long
- Boat mooring
- Oyster plex
44' L x 26' W x 10' H
- Gear mooring: 20' x 14' x 9'

	Riparian_Access_Corridor
	Proposed Expansion Area
	Active Lease

3. VICINITY MAP

Directions: Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the existing lease site and proposed expansion. **Note:** Please label as: 'Vicinity Map'.

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 existing lease boundaries
- The proposed expansion

4. BOUNDARY DRAWING

Directions: Depict the boundaries of the existing lease site and proposed expansion. Label all corners, directions, and distances. **Note:** Please label as: 'Boundary Drawing'.

5. COORDINATE DESCRIPTION

Directions: Provide geographic coordinates for each corner of your expanded lease proposal. If you use a datum other than WGS84 or NAD83 for your expanded coordinates, please include the datum used.

Note: Please label as: 'Expanded Coordinates'.

Datum used: NAD83

Expanded Coordinates of yellow area:

69.54800241	43.90466142	SE plot
69.54826927	43.90472603	SW plot
69.54783244	43.90575874	NW plot
69.54755895	43.90570577	NE plot

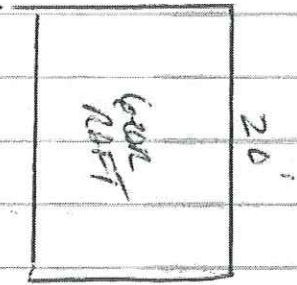
6. SITE Development

1. Overhead view of Expansion proposed

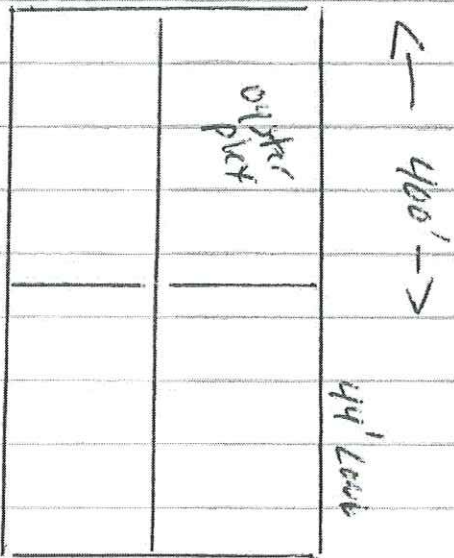
SE
Boundary
Marker

75' wide

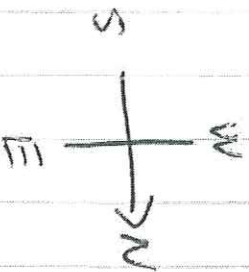
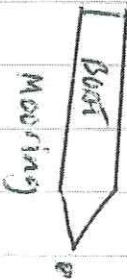
SW



76' wide



5

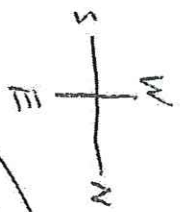


NE

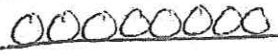
NW

ON SITE
Support
Stackers
See C1

TOP VIEW
DOWN



Dive Tank rack

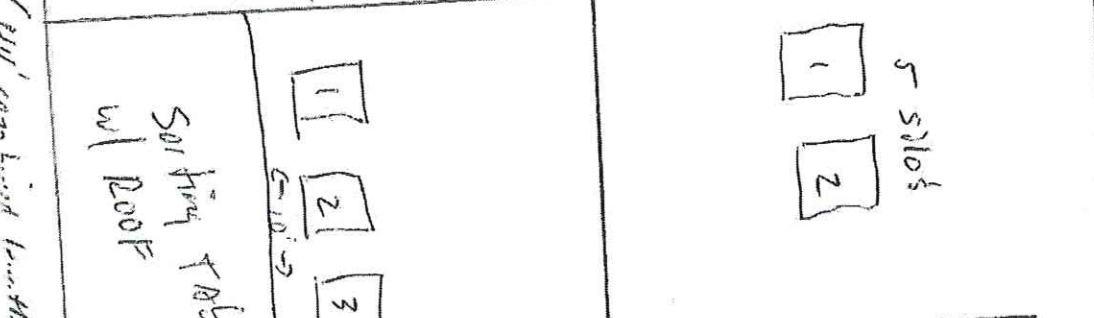
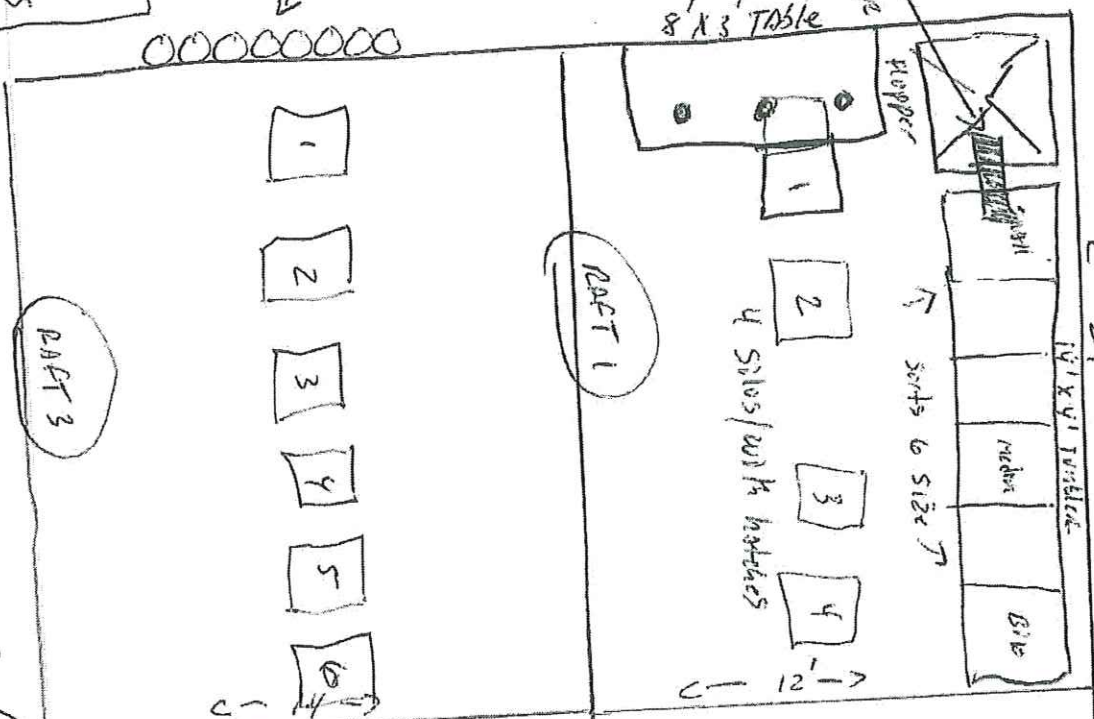


8' X 3' TABLE

up faced conveyor



Proposed Oyster Plex
← 24' →



Relocated onto center of yellow expansion
← 20' →



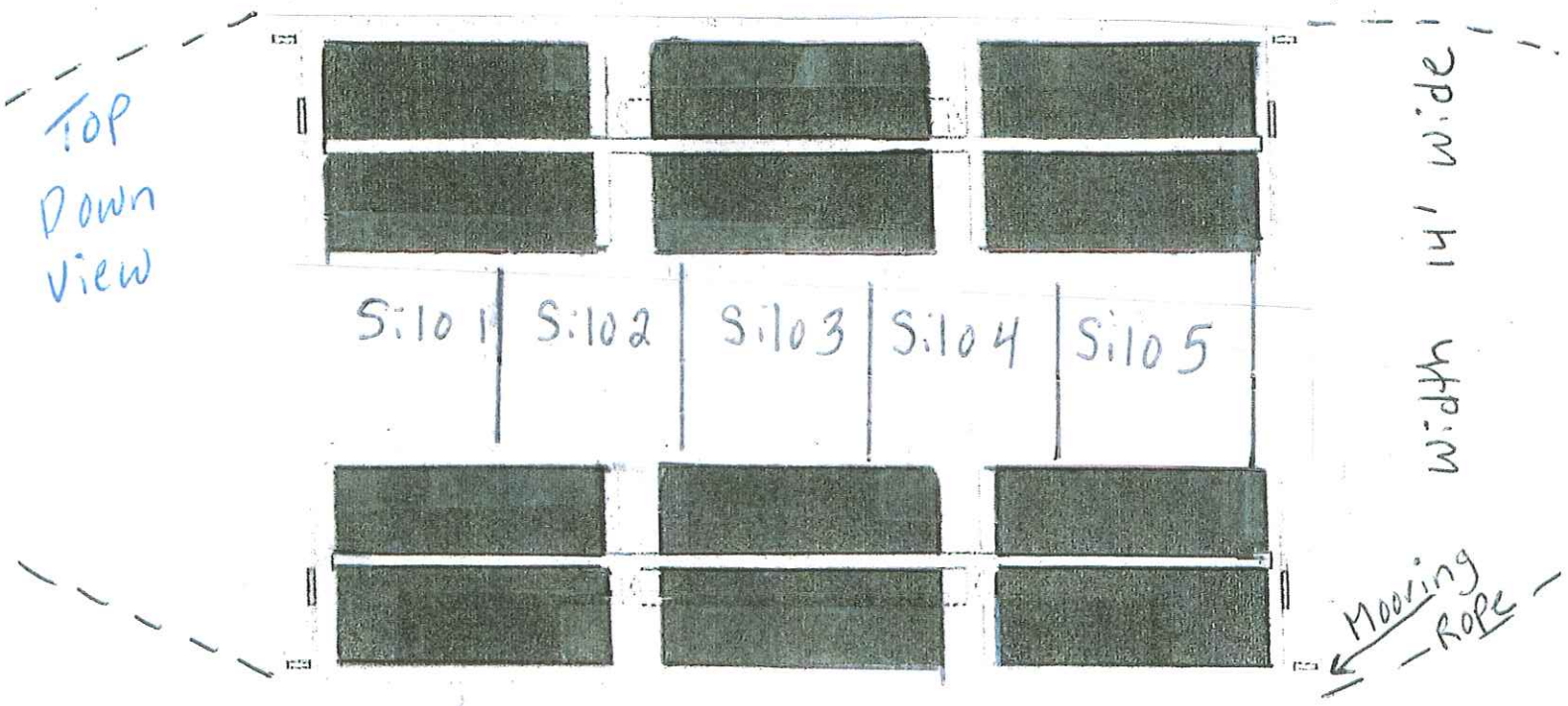
(20' over length) →

1000 watt generator

Hydroptic Pump

Hand Wash

(26' total width)



Length 20' 6"

Width 14'

Mooring Rope



↑
 (6) drums 24" deep
 48" wide
 72" Long
 for floatation

(#6) Site Development
 A: Structure

Gear Raft
 Exhibit R2
 Gear Drawing 1. overhead View

- 5 Silos are covered by wooden hatch covers. Each is 34" X 34", wire cage inserts fit into silos, stackable cages are placed in 20 per hatch silo.
- Raft deck is planked over with 2" X 2" pressure treated boards which are screwed with 5/16" X 3 stainless steel bit fasteners. The raft is painted grey. The raft is secured by helix anchors.
- A 1500-pound granite block with 100' X 1" nylon rope will secure the raft's south end of yellow expansion area. Water depth is 12' at MLW. Bottom composition is soft mud.

B Gear Drawing
SOUTH TRACT - JOHN WISS
RAFT 1 + 2



Shellfish raft structure measurements: 44' x12' x10' tall- moored within 85' corridor. We navigate two 26' aluminum boats in lease corridor in all tidal stages.
Rafts constructed in 2 sections because slipway width dictates size, must be dry docked every 10 years for unwater repairs.

Raft section 1: left side has 8' sorting table, upfeed conveyor and 14' aluminum tumbler which mechanizes sorting into 7 batches, 4 silos with hatches for stackable cages

Raft section 2: right- 8'x10' x10' grey building, honda hydraulic pump 16 HP engine box & 13 HP honda water pump in insulated engine box, 100-watt generator for indoor lights mounted on building wall exterior, 4 silos with covered wood hatches

B: Gear info + drawing

WET Storage WSOS 15779

Shellfish structure 44' L x 14' W x 10' High from water line, this is wet storage permit WSOS 15779 located on "yellow" proposed expansion site; the other section of rafts will bolt to the west side of this structure to create oyster plex. 2 segments are combined. Right side is raft #4 with dive tank holder. Left side is Raft #3, with covered sorting table @ 10' long x 5' wide by 8' tall. Black lobster wire fence retains gear, supported by 6" x 6" posts height is 8', fence is 10' wide on north end and 10' wide on east side. Honda 13 HP water pump within insulated plywood grey box -for noise reduction, 12 silos under hatches retain stackable cages.

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C. On-Site Support Structures

1. Describe structures such as barges, sheds, etc., to be located on the proposed expansion. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc.

Rafts from lease will be moved to expansion area, to attach to wet storage rafts in existence; to create an oyster plex (see page #6.). Once combined, four rafts will be 44' Long X 26' Wide X 10' Tall. Gear raft will store equipment 20' X 14' X 10': Pressure treated wood rafts, plastic black drums floats, black lobster wire fence to secure gear storage.

2. Describe the storage and use of oil, gasoline or other hazardous material on this expansion. If you did not provide a spill prevention plan in your initial application, please do so here.

Portable fuel cans are stored on rafts to refuel boats, Honda water pump and hydraulic pumps. The wire fences are built to keep fuel jugs secure. These are stored in the corner and snap swivel clips on ropes hold them in place. Fuel won't spill and they are stored properly because water in our fuel damages our engines.

Note: If a lease expansion 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: 1st Coast Guard District, Aids to Navigation Office ((617)-223-3293).

7. PRODUCTION ACTIVITIES

Directions: If you are cultivating more than one species, you will need to provide information for each species. Please attach additional pages if needed.

A. Please describe how the proposed expansion activities would affect your current operations (seeding, harvesting, tending, maintenance, etc.).

Expansion proposal would combine 2 work sites into one unit which is set up like an assembly line, we have a grading machine which washes and separates oysters by 3 sizes into different totes by similar sizes which are counted into colored 100 CT baskets. Each colored basket is a separate 100 CT colored bag; purple, white or red, which have different names and prices. The raft structure (3&4) has a table with a roof and water bar to cool oysters during production, but the re-submergence cage for cooling during harvest is in the raft (1&2) 200' away, So moving hundreds of LBs between 2 work structures hinders production and creates unnecessary heavy lifting, sharing 2 water hoses to wet product during production prevents freezing or excessive heating. 2 separate raft structures are designed to be one oyster plex this will allow for 3 workstations so that each employee has their own table set up. The building is for hanging raingear, work break seating, winter warming & summer shading, an office to compile sales orders, tag generation and dry storage.

B. 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), and if your expansion would include 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)

7. B

Bird Deterrents: Since growing hatchery seed since 2007 I have not found any measures which prevent birds from roosting, it's impossible even with zip ties. My experience is that rafts must be washed and never left with food source. Human activity on the lease limits birds.

Sanitation is important and safe oysters are critical to our brand reputation.

We don't harvest directly from surface cages, so birds roosting on cages only hold seed the oysters are held within covered rafts for 2 weeks before being harvested and sold. The wooden rafts where we store market sized oysters have 2" thick hatches which are sealed shut., so bird waste does not contaminate mkt oysters before sale. Oysters are 3' below the raft surface. protected from pests. Our Wet storage raft within the yellow proposed area has been inspected every year by DMR public health department as part of the certification.

Water Test site WR 12 is 675' East of the lease and has the highest level of approved water quality status" green". My company has a memorandum of understanding with DMR biotoxin testing which permits my shellfish sampling by private lab for shellfish poisoning analysis as well as special testing of our oysters by Boothbay DMR lab for regulatory action when requested. Dave Cheney is Vibrio certified as a harvester and a shellshock shipper dealer.

8. NOISE AND LIGHT

A. Please describe how the proposed expansion activities would affect the noise and light emitted from your current lease.

Proposed expansion activities would be the same as current lease activities. This application was created to combine 2 separate raft structures into one unit to process, count, sort, bag and tag oysters. My hope was to have this expansion granted by relocating current operations from riparian corridor. This proposal would be 250' further away from Adams sailboat mooring, where they sleep on their boat and 125' further from Sproul shore. We work daylight hours and only work in the dark during large drain tides, AM or PM when we handpick, about 7-21 days per year. Our LED lights are shop lights used inside the raft building for writing tags on rainy dark days.

All noise generating equipment tumbler motor, water pump, generator on the rafts (1&2) is the same as currently permitted and will be the same in the expansion proposal. The wet storage raft (3&4) will still use the same honda water pump. All have sound insulating engine boxes.

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9. ENVIRONMENTAL CHARACTERIZATION

Directions: Using your knowledge of the area, describe the environment of the proposed expansion. 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 within the proposed expansion?

MLW 12'
MHW 21'

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

About 21'

C. What are the bottom characteristics within the proposed expansion (mud, sand, gravel, rock, ledge or some mix, etc.)?

Bottom is soft mud, only dead oyster shells from our culling. No hard bottom, ledges or structure. I dove location 5/25/2020

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

Bottom is very soft substrate, very flat + smooth. 24" of silt before any sandy gravel.

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

I have only seen green crabs on discarded shells + mussels which fall off our raft. Most frequent: Mackerel, Pogies, butterfish, herring, HERRING SEALS, COBBLERS, Brown shrimp, striped bass

F. 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.

No submerged vegetation such as eelgrass is within proposed lease. I scuba dove 5/25/2020, June 2022, August 2022
bottom is dark + muddy, too deep for eelgrass or rockweed or kelp.

G. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?

Yes No

10. EXISTING USES

A. Describe the existing uses of the proposed expansion (i.e. fishing, sailing, etc.).

Surface cages are only on the south tract of JOHN NB3., not in the corridor. I applied for an expansion outside the corridor so that the proposed oyster plex does not hinder riparian access to the shore. I will relocate my raft structure 1&2 from the 85' corridor into the proposed expansion IF I can combine them with raft 3&4. Existing uses of the lease area remain the same. Stripper fisherman cast within the lease because of the baitfish which hide under the floating cages and eat smaller fish / worms that dwell within the floating cages. We operate 2 aluminum skiffs with 115 HP engines to manage the floating gear, so kayaks have no difficulty within the farm boundary. Boats 14-30' stop to tour operations or buy oysters. 150 bottom cages are on bottom on the west boundary line, with toggles to mark them. The expansion area has had my wet storage structure on site for 2 years without any interference, boats pass through the North Branch May - Oct most commonly, summer days folks anchor outside the lease to swim or sunbath. No lobster traps within south tract,

B. Describe any effects your proposed expansion might have on existing uses of the area.

B. My proposed expansion should not affect existing uses. Sproul's can build pier, ramp and float within 85' corridor. Tumbler and engine, and water pump noise will be further from shore and further distance away from Walker's home. Commercial and recreational activities are encouraged, I retain exclusive harvest of hatchery raised oysters and no conflicts have occurred here since 2010.

11. EXCLUSIVE USE

If your lease expansion is granted, what activities would you request be excluded from occurring within the boundaries of the expansion? In your answer please address applicable uses of the area described above.

This expansion request was created to improve operations, I have grown oysters in Johns River since 2007 and this oyster plex helps improve work conditions. I ask that no wild oyster harvesting, dragging or theft of my hatchery oysters occur within the lease farm boundary. I feel lucky to be given the chance to farm oysters in Maine state waters and I help protect water quality by doing so. All existing uses of the proposed boundary remain intact by the public and commercial fisherman as long as my gear isn't damaged.

12. RIPARIAN LANDOWNERS AND SITE ACCESS

Is your existing lease or proposed expansion 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 proposed lease site. 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 and proposed expansion

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 and/or the proposed expansion. Have the tax collector or clerk of the municipality certify the riparian list.

Note: Once your application has been deemed complete by DMR, you will be required to send a copy of your application and notification of the 30-day comment period to all riparian property owners whose property is within 1,000 feet of your existing lease and/or the proposed expansion via certified mail. You will also need to provide this notification to the municipality in which your lease is located.

When your application has been deemed complete, DMR will establish a 30-day comment period and provide you with further guidance on how to notify riparian owners and the municipality of your proposed expansion. Do not send notification via certified mail to riparian owners or the municipality prior to receiving specific instructions from DMR.

C. Intertidal Land.

Is any portion of the proposed lease site above mean low water?

Yes No

Note: If you selected yes, please complete the permission requirements included in section "15. Landowner/Municipal Permission Requirements".

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: South Bristol

MAP #	LOT #	Landowner name(s) and address(es)
26	07	John + Lucia P. Robinson 209 Sandy River Road Starks ME 04991
26	18	John Walker 131 East Branch Road Waipole ME 04573
26	04	Thomas R + Susan E Canina 1385 State RT 124 South Bristol ME 04568
26	02	Robert A Spruce + Sigrid P.O. Box 1025 Donnacoctah ME 04543

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Brenda Bartlett, Town Clerk for the Town of South Bristol 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: Brenda Bartlett DATE: 2/1/2022

RIPARIAN LANDOWNER LIST

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TOWN OF: South Bristol

MAP #	LOT #	Landowner name(s) and address(es)
26	21	Robert A JR + Sigrid Sproul PO Box 1025 DANVILLE ME 04543
26	01	Robert A. JR + Sigrid Sproul PO Box 1025 DANVILLE ME 04543
26	01-A	Robert A JR Sproul, Bay Ridge Farm Trust PO Box 1025 DANVILLE ME 04543
26	05	Timothy Ingraham PO Box 187 Prides Crossing MA 01965
26	06	Carls JR Poole 25 Carls Lane Penabscot ME 04558
26	07-A	John JR Robinson 1329 State St 129 South Bristol ME 04568

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Brenda Bartlett, Town Clerk for the Town of South Bristol 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: Brenda Bartlett DATE: 2/28/2022

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: South Bristol

MAP #	LOT #	Landowner name(s) and address(es)
26	14	TRACY W., NANCY M + ALISON B. ADAMS PO BOX 630 NEWBITE ME 04553
26	107	JOHN + LUCIA P. ROBRSON 209 SANDY RIVER ROAD, STARKS ME 04911
26	17-C	ROBERT J + ELIZABETH L BURHAM 93 TIDEWATER WAY, SOUTH BRISTOL, ME 04568
26	17-B	COASTAL RIVERS TRUST / DRA PO BOX 333 DOMANISCOTTA ME 04543
26	23	COASTAL RIVERS TRUST / DRA PO BOX 333 DOMANISCOTTA ME 04543
26	20-A	BARTON REALTY TRUST 29 WATER STREET STE 304A NEWBURYPORT MA 01950

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

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SIGNED: Brenda Bartlett DATE: 2/28/2022

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 proposed expanded 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: South Bristol

MAP #	LOT #	Landowner name(s) and address(es)
27	74	Robert F. McLaughlin PO Box 93 WAMPWICK ME 04573
26	17-A	Robert J. + Elizabeth C. Buchanan 43 Tidewater Way, South Bristol 04568
26	14-A	DANA Shell Smith + HARRY RAY SMITH REALTOR TRUST 4925 28th Street North Arlington MA 22207

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Brenda Bartlett, Town Clerk for the Town of South Bristol 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: Brenda Bartlett DATE: 2/28/2022

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14. 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 aquaculture lease expansion process.

Printed name: Johns River Shellfish

Title (if corporate applicant): President

Signature: Daniel P. Cheney Date: 9/7/2022

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.

ADDITIONAL APPLICANTS

Printed name: _____

Title (if corporate applicant): _____

Signature: _____ Date: _____



MAINE DEPARTMENT OF MARINE RESOURCES

Aquaculture Division, 21 State House Station, Augusta, ME 04333-0021 (207) 624-6567

CORPORATE APPLICANT FORM
For Standard and Experimental Aquaculture Lease Applications

Corporations or partnerships that apply for aquaculture leases in the State of Maine must complete this form. Corporations must submit information as requested under A. Corporate Applicant. Partnerships must submit information as requested under B. Partnership Applicant.

A. Corporate Applicant

Note: You must attach a copy of the Articles of Incorporation (Inc.) or Certificate of Formation (LLC) to your application.

1. Name of Corporation: Johns River Shellfish, LLC

2. Date of incorporation: 3/16/2012 State of incorporation: Maine

3. List the names, addresses, and titles of all officers:

Table with 3 columns: Name, Address, Title. Row 1: DAVID P. Cheney, 1 Chickadee Way New Harbor ME 04554, President.

Please use additional sheets if necessary and attach to the application.

4. List the names and addresses of all directors/members:

Table with 2 columns: Name, Address. Row 1: DAVID P. Cheney, 1 Chickadee Way New Harbor ME 04554.

Please use additional sheets if necessary and attach to the application.

5. Has the corporation, or any stockholder, director, or officer applied for an aquaculture lease for Maine lands in the past? Yes No

If you selected "yes," please indicate who applied for the lease and the status of the application or lease.

6. List the names and addresses of all stockholders who own or control at least 5% of the outstanding stock and the percentage of outstanding stock currently owned or controlled by each stockholder.

Name	Address	Percentage of Owned Stock
DAVID P. Cheney	1 Chickadee way New Harbor ME 04554	100

Please use additional sheets if necessary and attach to the application.

7. List the names and addresses of stockholders, directors, or officers owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person based on the percentage of owned stock listed in question 6. If none, write, "None."

Name	Address	Lease Acronym	Acreage
DAVID P. Cheney	1 Chickadee way New Harbor ME 04554	JCKUNBS	6.85
DAVID P. Cheney	1 Chickadee way New Harbor ME 04554	DAMBN	3.36

Please use additional sheets if necessary and attach to the application.

8. Has the corporation or any officer, director, member, or shareholder listed in item 5 above ever been arrested, indicted, convicted of, or adjudicated to be responsible for any violation of any marine resources or environmental protection law, whether state or federal?

Yes No

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Corporate Application for Standard aquaculture lease Application 2022

Marine resources violations from 1981-2022:

June 30, 2010, I was charged with "harvest without a town ordinance license in Damariscotta". I represented myself in court and stated I was in extreme Maine waters and I only needed a state license to pick wild oysters. I lost the case and was fined \$450

December 4, 2014 I had a commercial shellfish license violation "exceeding Licensed activities". I received a 6 month suspension of my commercial harvest license ; because I sold oysters out of state without the proper Shellfish Shippers license. I attained the proper dealers license in 2015

MAINE
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION

Filing Fee \$175.00

File No 20122923DC Pages 2
Fee Paid \$ 175
DCN 2120881910026 DLLC

-----FILED-----
03/16/2012

Julia R. Flynn
Deputy Secretary of State

A True Copy When Attested By Signature
Julia R. Flynn
Deputy Secretary of State

Pursuant to , the undersigned executes and delivers the following Certificate of Formation

FIRST: The name of the limited liability company is

Johns River Oyster, LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "LLC," "LLC," "LC" or "LC" or, in the case of a low-profit limited liability company, "L3C" or "L3c" -- see 13-B)

SECOND: Filing Date (select one)

- Date of this filing, or
 Later effective date (specified here) _____

THIRD: Designation as a low profit LLC (Check only if applicable)

- This is a low-profit limited liability company pursuant to 13-B, 13-C meeting all qualifications set forth here
- A The company intends to qualify as a low-profit limited liability company,
- B The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further.
- C No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property, and
- D No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(e)(2)(D) of the Internal Revenue Code of 1986, or its successor

FOURTH: Designation as a professional LLC (Check only if applicable)

- This is a professional limited liability company* formed pursuant to 13-B, 13-C to provide the following professional services:

(Type of professional services)

FIFTH: The Registered Agent is a (select either a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number 910128
Clayton N. Howard
(Name of commercial registered agent)

Noncommercial Registered Agent

(Name of noncommercial registered agent)

(physical location, not P O Box - street, city, state and zip code)

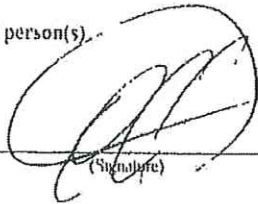
(mailing address if different from above)

SIXTH: Pursuant to , the registered agent listed above has consented to serve as the registered agent for this limited liability company

SEVENTH: Other matters the members determine to include are set forth in the attached Exhibit , and made a part hereof

**Authorized person(s)

Dated March 12, 2012



Clayton N. Howard, Esq
(Type or print name and capacity)

(Signature)

(Type or print name and capacity)

*Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians (This is not an inclusive list - see)

**Pursuant to , Certificate of Formation MUST be signed by at least one authorized person

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under

Please remit your payment made payable to the Maine Secretary of State

Submit completed form to
Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101
Telephone Inquiries (207) 624-7752 Email Inquiries

LIMITED LIABILITY COMPANY
STATE OF MAINE
CERTIFICATE OF AMENDMENT
(for a Maine LLC)

Filing Fee \$50.00

File No. 20122923DC Pages 3
Fee Paid \$ 50
DCN 2121511400017 LNME
-----FILED-----
05/15/2012


Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Johns River Oyster, LLC
(Name of Limited Liability Company)

Pursuant to 31 MRSA §1532, the undersigned limited liability company executes and delivers for filing this certificate of amendment

FIRST: The name of the limited liability company has been changed to (if no change, so indicate)

Johns River Shellfish, LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "L3c" - see 31 MRSA 15018)

SECOND: The date of filing of the initial certificate of formation 3/16/12
(date)

THIRD: Designation as a low profit LLC (Check only if applicable):

This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:

- A. The company intends to qualify as a low-profit limited liability company,
- B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further.
- C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property, and
- D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

FOURTH: Designation as a professional limited liability company (Check only if applicable)

This is a professional limited liability company* formed pursuant to 17 MRSA Chapter 223-A to provide the following professional services

_____ (type of professional services)

FIFTH: Complete only if there is a change to the registered agent information

The Registered Agent is a (select either a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number _____

_____ (Name of commercial registered agent)

Noncommercial Registered Agent

_____ (Name of noncommercial registered agent)

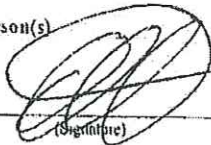
_____ (physical location, not P O Box – street, city, state and zip code)

_____ (mailing address if different from above)

SIXTH: Pursuant to 5 MRSA § 2105 or 1083, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

SEVENTH: Other changes this certificate of amendment makes to the certificate of formation as most recently amended or restated are set forth in Exhibit _____ attached and made a part hereof

**Authorized person(s)



(Signature)

(Signature)

Dated May 9, 2012

Clayton N. Howard, Clerk

(Type or print name and capacity)

(Type or print name and capacity)

*Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians (This is not an inclusive list - see 17 M.R.S. § 245)

Pursuant to 17 M.R.S. § 245(1), this Certificate of Amendment **MUST be signed by a person authorized by the limited liability company

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17 M.R.S. § 245

Please remit your payment made payable to the Maine Secretary of State

Submit completed form to:

Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101
Telephone Inquiries (207) 624-7752

Email Inquiries: CLC_Corporations@Maine.gov