

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
Aquaculture Lease Renewal Application

Lessee
Lease DAM JP
Docket # 2012-13-R
August 16, 2013

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

On September 26, 2012, the Department of Marine Resources (Department) received an application from Glidden Point Oyster Company, Inc., to renew its aquaculture lease for 2.29 acres for suspended culture of American/eastern oysters (*Crassostrea virginica*) and European oysters (*Ostrea edulis*), located in the Damariscotta River in Edgecomb, Lincoln County, Maine, for a period of ten years to March 28, 2023. This Department initially issued this lease on March 29, 1993 and renewed it in 2003.

Two notable administrative changes have occurred since the original lease issuance in 1993. The lease boundary coordinate description was converted to Datum NAD83 and Degrees True during the 2003 renewal. Additionally, the lease acronym was changed from GPOC JP to DAM JP for consistency with other leases acronym identifiers. It is also worth noting that this lease boundary occupies space above the lease DAM JP2, a standard lease approved for bottom culture and also owned by Glidden Point Oyster Company Inc. The applicant included "bottom culture" in this renewal application, which is not approved for DAM JP. However, bottom culture continues to be allowed on DAM JP2 whose lease is valid until June 2018.

1. PROCEDURE

Notice of the application for lease renewal and the 30-day public comment period and opportunity to request a public hearing was published in the *Lincoln County News* on November 1, 2012 and in the *Commercial Fisheries News* February, 2013 issue. Personal notice was given to the municipality and to riparian landowners within 1,000 feet of the lease. No comments and no requests for a hearing on this application were received by the Department during the 30-day comment period.

2. STATUTORY CRITERIA

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and by Chapter 2.45 of the Department's rules, which provide that an aquaculture lease shall be renewed if: the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 1,000 acres; and the lease is not being held for speculative purposes.

A. Compliance with lease

My review of the records of this lease discloses that all annual reports have been filed, the rent is paid to date, the bond is current, and the site has passed inspection by DMR Marine Patrol. There are no outstanding complaints regarding this lease.

Therefore, I find that the applicant has complied with the lease agreement during its term.

B. Best interest of the State of Maine

In determining whether it is in the best interest of state to renew the lease, the Department takes into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest. There is no evidence of conflicts with other new or existing uses of the area.

Therefore, I find that it is in the best interests of the State of Maine to renew this lease.

C. Aggregate lease holdings

Glidden Point Oyster Company, Inc. holds three other leases (DAM DL2 = 8.22 acres, DAM JP2 = 7.75 acres, and DAM WP = 10.54 acres). Including this lease DAM JP, the lessee holds a total of 28.8 acres.

Therefore, I find that the renewal of this lease will not cause the applicant to lease more than 1,000 acres.

D. Speculative purposes

In determining whether the lease is being held for speculative purposes, the Department considers whether substantially no aquaculture or research has been conducted on the lease site. The applicant has conducted aquaculture on the lease site during its term, as shown by the annual reports it has filed with the Department and by the statement of the lessee on the renewal application.

Therefore, I find that the lease is not being held for speculative purposes.

3. OTHER ISSUES

A. Lease Conditions

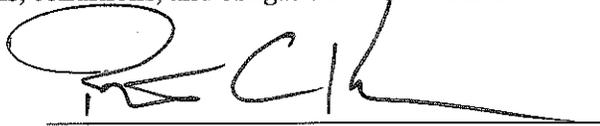
The following conditions are carried over from the original lease and will apply to the renewed lease:

1. The lease area shall be marked in accordance with U.S. Coast Guard requirements and Department of Marine Resources regulations Chapter 2.80.

4. DECISION

The Commissioner of Marine Resources grants the application of Glidden Point Oyster Company Inc. to renew its aquaculture lease DAM JP for a period of ten years, to March 28, 2023. The renewed lease is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: 8/16/2013



**Patrick C. Keliher
Commissioner,
Department of Marine Resources**