

**STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES**

<b>IN THE MATTER OF THE APPLICATION OF PEMAQUID OYSTER COMPANY, INC. FOR RENEWAL OF AN AQUACULTURE LEASE AND CONSOLIDATION OF THREE LEASES LOCATED IN THE DAMARISCOTTA RIVER, DAMARISCOTTA, LINCOLN COUNTY, MAINE</b>	) ) ) ) ) ) )	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION</b>
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On June 20, 2006, Pemaquid Oyster Company, Inc. applied for the renewal of an aquaculture lease issued on September 2, 1996. The applicant requested a ten-year renewal, to September 1, 2016, of a 2-acre bottom culture lease located east of Little Point in the Damariscotta River in Damariscotta, Lincoln County, Maine. The applicant also requested that the 2-acre lease (POCO GL3), be consolidated with two adjacent bottom culture leases held by the applicant (POCO GL1 and POCO GL5), resulting in one lease measuring a total of 10.17 acres.

Notice of the application for lease renewal was published in the August 2006 issue of Commercial Fisheries News and the July 27, 2006 and August 10, 2006 issues of the Lincoln County News. Members of the public, riparians and interested persons were given to August 26, 2006 to request a hearing on the application for lease renewal. No comments or requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and 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 500 acres; and the lease is not being held for speculative purposes.

The applicant has complied with the lease agreement during its term. 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 are no known conflicts with other new or existing uses of the area. Additionally, the renewal of this lease will not cause the applicant to lease more than 500 acres. Finally, in determining whether the lease is being held for speculative purposes, the Department looks to 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. Therefore, I find that the lease is not being held for speculative purposes.

Whereas the three adjacent leases are all held by the applicant for bottom culture of shellfish and are operated by the applicant as one site, the three leases shall be consolidated into one 10.17 acre lease. The three leases have two species in common, American oysters (Crassostrea virginica) and European oysters (Ostrea edulis). Therefore, the new consolidated lease shall be for the bottom culture of those two species only.

The following lease description defines the new lease area created by the consolidation of leases POCO GL1, POCO GL3 and POCO GL5:

STARTING at the point Latitude 44° 00' 56.34"N, Longitude 69° 32' 35.34"W (datum NAD83/WGS84), and point of beginning; thence 12.32° True, a distance of 400 feet to corner B (44° 01' 00.20"N, 69° 32' 34.17"W); thence 282.32° True, a distance of 400 feet to corner C (44° 01' 01.04"N, 69° 32' 39.52"W); thence 219.12° True, a distance of 639.28 feet to corner D (44° 00' 56.14"N, 69° 32' 45.04"W); thence 202.32° True, a distance of 560 feet to corner E (44° 00' 51.02"N, 69° 32' 47.95"W); thence 112.32° True, a distance of 180 feet to corner F (44° 00' 50.34"N, 69° 32' 45.67"W); thence 22.32° True, a distance of 560 feet to corner G (44° 00' 55.46"N, 69° 32' 42.76"W); thence 86.32° True, a distance of 216.51 feet to corner H (44° 00' 55.60"N, 69° 32' 39.80"W); thence 158.32° True, a distance of 178.90 feet to corner I (44° 00' 53.96"N, 69°32'38.90"W); thence 102.32° True, a distance of 200 feet to corner J (44° 00' 53.54"N, 69° 32' 36.23"W); thence 12.92° True, a distance of 290.90 feet to corner A and the point of beginning.

This new description sets forth the same boundaries of the original three lease sites, but consolidates them into one area.

**Decision**

The Commissioner of Marine Resources grants the application of Pemaquid Oyster Company, Inc. for renewal of the 2-acre aquaculture lease and consolidation of the lease with two adjacent leases located next to Goose Ledge, in the Damariscotta River, Damariscotta, Maine, for a period of ten years, to September 1, 2016 for the cultivation of American oysters and European oysters. In the renewal of this lease, Pemaquid Oyster Company, Inc. is subject to the same terms, conditions, and obligations as set forth in the original leases.

**Dated:** \_\_\_\_\_

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**George D. Lapointe (Commissioner)**  
**Department of Marine Resources**