Received 01.11.22
Revised 02.03.22
Complete 02.10.22

LEASE TRANSFER APPLICATION

1. LEASE. Identify the lease to be transferred.

Acronym of Lease Proposed for Transfer	BHB GC4
Date Lease Expires	5/31/2020
Town	Trenton
Water Body	Blue Hill Bay
Acreage	49.81
Authorized Species	American/Eastern Oyster, European/flat oyster
Army Corps of Engineers Authorization Number	NAE-2010-00282

2. TRANSFEROR. Identify the present lessee (*if multiple lessees, provide information for each one; use a separate sheet if necessary*).

Applicant	Acadia Sea Farms LLC
Contact Person	Warren Pettegrow
Address	1231 Bar Harbor Road
City	Trenton
County	Hancock
State, Zip	MAine, 04605
Country	USA
Telephone	207 266-1173
Email	wpettegrow@yahoo.com

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

3. PAST USE OF LEASE

Has this lease been used for aquaculture during its term?	☑ Yes ☐ No

A. If "Yes", describe the aquaculture activities, including but not limited to seeding, cultivation, or harvest of organisms.

American oysters have been cultivated from purchased seed from Muscongus Bay hatchery, cultivated to market size and harvested for market.

B. If "No", explain why no aquaculture has been conducted.

N/A

4. TRANSFEREE. Identify the proposed transferee (*if multiple transferees, provide information for each one; use a separate sheet if necessary*).

Applicant	Acadia Aqua Farms LLC
Contact Person	Fiona de Koning
Address	806 Bar Harbor Road
City	Trenton
County	Hancock
State, Zip	ME, 04605
Country	USA
Telephone	(207) 288-8924
Email	info@acadia-aquafarms.com
Transfer Type	☐ Include transferee on lease with current leaseholder ☑ Transfer entire lease to transferee

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

5. TRANSFEREE'S CURRENT LEASE(S). List all Maine aquaculture leases now held by the transferee(s).

Lease Acronym	Expiration Date	Town	Water Body	Acreage	Authorized Species
EAST OP2	4/28/24	Lamoine	Eastern Bay	31.59	Blue Mussel Sea
EAST HP	12/13/25	Bar Harbor	Mt Desert Narrows	40.36	Blue Mussel Sea
FLAN WN	9/15/27	Sorrento	Flanders Bay	14.35	Mussel, Oyster;Am, Euro.
FREN BI	1/2/39	Sorrento	Frenchman Bay	32.24	Blue Mussel Sea
PEN SN3	5/27/25	Deer Isle	Penobscot Bay	39.91	Blue Mussel Sea

6. RIPARIAN LANDOWNERS AND SITE ACCESS

A. If the lease is within 1,000 ft 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) 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 lease

   Page 22 attached.

2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000 ft of the lease. 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

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: Trenton -

MAP #	LOT #	Landowner name(s) and address(es)
7	4	Roger Copp, Stanley and Cynthia Ann, Trustee, Rose E. Indianois, Kaufman and Sadyi Callahan, Trustee,1501 west Horation St., Apt 108, Tampa, FL 33606
7	5	Kevin Clark& Mary Urillo, 64 Lake Shore Drive South, Westford, MA 01886
7	6	Roger& Therese Lieblich, 30 Commodore Road, Chappaqua NY 10514
7	7	Judith and William emery 2831 SE 24th Blvd., Okeechobee, FL 34974
7	8	Hannah Adams & George Daniels, 938 Clark Ave., Apt.26 Mountain View, CA 94040
7	9	Josette & Anthony Pettegrow, 1237 Bar Harbor Road Trenton, ME, 04605

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Carol Walsh, Town Clerk for the Town of Trenton, 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: Carol Walsh **DATE:** 11/8/21

7. TECHNICAL CAPABILITY OF THE TRANSFEREE

Provide information regarding professional expertise. For each transferee, attaching a resume or documentation of practical experience necessary to undertake aquaculture activities would satisfy this requirement.
Acadia Aqua Farms LLC is a family run mussel farm that has operated in the Bar Harbor Trenton area, for the last sixteen years. We currently hold 5 standard leases. We have managed our farms in compliance of all regulations during that time and have a strong community centric ethic.

8. FINANCIAL CAPABILITY OF THE TRANSFEREE

A. Please provide documentation to show that each transferee has the financial resources to undertake this aquaculture activity. For example, each transferee may submit a letter from a financial institution or funding agency indicating that the transferee has an account in good standing, or their willingness to commit funds. **Note:** Any financial information you submit with your application is part of the public record. Please exercise discretion when submitting financial information.
see attached letter Page 11.

B. Please provide cost estimates of the aquaculture activities the transferee plans to conduct on this lease.
The costs for the year 2022 are estimated to be in the range of $100,000.

9. FORM OF OWNERSHIP

State law limits the maximum aquaculture lease acreage a lessee can hold to 1,000 acres. Lease acreage held by a corporation or partnership is attributed to the stockholders or partners in the same proportion as their ownership in the corporation or partnership. For example, a 35% shareholder in a company holding a 100-acre lease is deemed to hold 35 acres (See DMR Rule 2.12(3)).

A. Individuals. Answer the following questions if any transferees are assuming this lease as individuals. N/A

1. Have you applied for other aquaculture leases in Maine?	☐ Yes ☐ No

2. If "Yes", list the transferee's name and state the outcome and current status of each lease
N/A

3. How many acres of aquaculture leases do you currently hold, whether as an individual, a stockholder, a partner, or other co-owner of a lease or leases?	N/A

4. Have you ever been arrested, indicted, or convicted of or adjudicated to be responsible for, any violation of any state or federal marine resources or environmental protection law?	☐ Yes ☒ No

1. If "Yes", list all such incidents
N/A

B. Corporations or Partnerships. Complete the following steps if any transferees are organized as corporations or partnerships, including LLCs.

1. Include a copy of corporate filing information with this application

2. Complete and submit with this application the "Corporate Applicant Information Document" available at: http://www.maine.gov/dmr/aquaculture/forms/standard.html

10. TRANSFEROR'S STATEMENT (*if multiple lessees/transferors, provide additional completed signature pages as necessary)*

By signing this application, the UNDERSIGNED LESSEE hereby states that they have read and understand the requirements of the Department's statutes and rules governing aquaculture and the transfer application instructions. The undersigned lessee certifies that the following information is true and correct:

- The lease site is in good order and is in compliance with all DMR aquaculture laws and regulations;
- There are no rent bills outstanding;
- The required bond or escrow account is in place and will remain effective until the transferee obtains new coverage; and
- All required reports have been filed.

Print name: Warren Pettegrow

Title (*if corporate applicant*): President

Transferor's Signature: _____ Date: _____

Print name: Warren Pettegrow

Title (*if corporate applicant*): Pres

Transferor's Signature: _____ Date: _____

11. TRANSFEREE'S STATEMENT (*if multiple transferees, provide additional completed signature pages as necessary)*

By signing this application, the UNDERSIGNED TRANSFEREE hereby states that they have read and understand the requirements of the Department's statutes and rules governing aquaculture and the transfer application instructions. The undersigned transferee hereby certifies that:

- The information in this application is true and correct;
- I understand that I am bound by the requirements of Maine law and DMR's statutes and rules governing aquaculture;
- I understand that I am assuming the existing lease, including any conditions; and
- Upon approval of the transfer by DMR I will either open an escrow account or obtain a performance bond, as required by DMR.

Print name: Fiona de Koning

Title (*if corporate applicant):* Business manager, Treasurer,

Transferee's Signature: Fiona de Koning Date: _____

Print name: _____

Title (*if corporate applicant):* _____

Transferee's Signature: _____ Date: _____

Machias
Savings Bank

November 2, 2021

Maine Department of Marine Resources
Attn: Commissioner Patrick Keliher

Re: Acadia Aqua Farms – Oyster Farm Aquaculture

Dear Commissioner Patrick Keliher,

Please accept this letter of reference for Acadia Aqua Farms, Inc. The company has the financial resources and experience to undertake the oyster farm aquaculture activity that they have been helping with this year, which I understand they are now in the process of acquiring officially.

The company has been an excellent client of Machias Savings Bank since 2008, they are in good standing with the bank, and they have handled their banking relationship as agreed.

Please feel free to contact me if I can provide any further information.

Sincerely,

Bobbi-Jo Thornton

Bobbi-Jo Thornton
Senior Vice President
Business Banking

4 Center Street, PO Box 380 Machias, ME 04654
{T} 800-339-3347 {W} machiassavings.bank
Member FDIC Equal Housing Lender

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: Acadia Aqua Farms LLC

2. Date of incorporation: _____ State of incorporation: Maine

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

Name	Address	Title
Mattheus de Koning	10 Bunchberry Road, Bar Harbor ME 04609	President
Fiona de Koning	10 Bunchberry Road, Bar Harbor ME 04609	Treasurer

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

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

Name	Address
Mattheus de Koning	10 Bunchberry Road, Bar Harbor, ME, 04609

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
Acadia Aqua Farms LLC (Mattheus de Koning)	10 Bunchberry Road, Bar Harbor ME 04609	100%
existing leases: EAST OP2, EAST HP, FLAN WN, FREN BI, PEN SN3. All current and active.		

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
Mattheus ~~None~~ de Koning	10, Bunchberry Road Bar Harbor ME 04609	EASTOP2	31.62
		EAST HP	40.45
		FLAN WN	14.3
		~~PEN SN3~~	38
		FREN B1	32.33

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

If you selected "yes", please provide details.

B. Partnership Applicant

Note: You must attach a copy of either the Certificate of Limited Partnership or documentation of the formation of a General Partnership to your application.

1. Name of Partnership: _____

2. Date of formation: _____ State of partnership: _____

3. List the names, addresses, and ownership shares of all partners:

Name	Address	Ownership Shares

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

4. Has the partnership, or any partner 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.

5. List the names and addresses of any partner 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 their ownership shares from question 3.

Name	Address	Lease Acronym	Acreage

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

6. Has the partnership or any partner been arrested, indicted or convicted of or adjudicated to be responsible for any violation or marine resources or environmental protection law, whether State or Federal?

☐ Yes ☐ No

If you selected "yes", please provide details.

Filing Fee $175.00

DOMESTIC
LIMITED LIABILITY COMPANY

STATE OF MAINE

File No. 20090936DC Pages 3
Fee Paid $ 175
DCN 2082881600012 LTLC
-----FILED----------
10/09/2008

Julie L Flynn
Deputy Secretary of State

A True Copy When Attested By Signature
Julie L Flynn
Deputy Secretary of State

ARTICLES OF ORGANIZATION

Pursuant to 31 MRSA §622, the undersigned executes and delivers the following Articles of Organization:

FIRST: The name of the limited liability company is

Acadia Aqua Farms, LLC

(The name must contain one of the following "Limited Liability Company", "L L C " or "LLC" – see 31 MRSA §603-A 1)

SECOND: (Check only if applicable)

☐ This is a professional limited liability company* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services

(Type of professional services)

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

☑ Commercial Registered Agent CRA Public Number P10025

David J Champoux

(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)

FOURTH: Pursuant to 5 MRSA §108 3, the registered agent as listed above has consented to serve as the registered agent for this limited liability company.

FIFTH: (Check one box only)

☑ A. The management of the company is vested in a member or members.

☐ B 1. The management of the company is vested in a manager or managers

The minimum number shall be _____ managers and the maximum number shall be _____ managers

2 If the initial managers have been selected, the name and business, residence or mailing address of each manager is

Name	Address

☐ Names and addresses of additional managers are attached as Exhibit ____, and made a part hereof

SIXTH: Other provisions of these Articles, if any, that the members determine to include are set forth in the attached Exhibit _____ and made a part hereof

Organizer(s) **

Dated October 7, 2008

David J. Champoux
(Signature) (Type or print name)

(Signature) (Type or print name)

(Signature) (Type or print name)

For Organizer(s) which are Entities**

Name of Entity _____

By _____ _____
(Authorized signature) (Type or print name and capacity)

Name of Entity _____

By _____ _____
(Authorized signature) (Type or print name and capacity)

Name of Entity _____

By _____ _____
(Authorized signature) (Type or print name and capacity)

---

*Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterina
(This is not an inclusive list – see 13 MRSA §723.7)

Articles **MUST be signed by
(1) all organizers **OR**
(2) any duly authorized person

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453

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: CEC.Corporations@Maine.gov

Authorization for Representatives for Acadia Seafarms, Inc.

This document is to comply with Title 12: Conservation. Part 9: Marine Resources Subpart 2: Licensing Chapter 623: Shellfish, Scallops worms and miscellaneous licenses. Subchapter 4: Miscellaneous Species. Article 1: Licenses.

Aquaculture license in Statute 6810-B subsection 4.

I Warren Pettigrow authorize the following individuals to be my authorized representatives for all oyster farm lease operations in Goose Cove, Western Bay Trenton. This authorization takes into effect from the date of this document signature and remains effective until cancelled in writing. Lease acronym: BHB GC4. Aquaculture license number 9264.

Mattheus J de Koning, and

Fiona J de Koning, both of 10 Bunchberry Road, Bar Harbor ME 04609

Alexander L de Koning, 265 Sand Point Road, Bar Harbor ME 04609

Maximilian SI de Koning 61 Coolidge Xing Lamoine, ME, 04605.

Signed. Warren Pettigrow

Date: 6/30/21

Acadia Aqua Farms , LLC. 806 Bar Harbor Rd, Trenton, ME, 04605

Commissioner Keliher
Maine State DMR

January 6th 2022

Dear Commissioner Keliher,

I am writing this report as supplemental information to the application for the transfer of lease BHB GC4, currently leased by Acadia Sea Farms Inc. Since June 30th, 2021, Acadia Aqua Farms LLC, (Theo de Koning, Alex de Koning, Fiona de Koning and Max de Koning) have been authorized representatives for Acadia Seafarms, Inc and have been managing all activity on the oyster farm.

Initial inspection: The lease was found to be in a state of some neglect. Upon examination of the lease decision document, we found that there was equipment out of position and the navigation corridors were not all in place, some corner markers missing and unlabeled. The cages were overgrown and had significant biofouling and were often tangled together.

Theo spent every day that weather permitted working on the oyster farm from the beginning of July 2021 until the winter. We dedicated crew to help him as often as we could from our other farm responsibilities, but this year has been very hard to have enough crew due to the pandemic.
Despite this, Theo has managed by the date of writing this report to have salvage and straighten out 95% of the cages. He concentrated on the West tract by placing new corner markers in the correct position, marked the navigation corridors and placed mooring blocks that are now storm proof for the lines of cages and keep the gear in place in nice straight lines. The cages were moved from the East to the West so that we could organize the farm into logical working order, while cleaning and grading and saving the product on the way. Alex performed dive work periodically to check under the cages for loose or missing gear which was salvaged and tidied away.

The East tract contains cages that are within the lease boundary but at the time of writing there are still a few cages that we are hoping to get tidied before winter, it is the normal farmers rush against time.

Fiona de Koning spent time reaching out to some of the riparian landowners to hear about the concerns that they had. A couple of them offered to act as relay and to start an email group of interested parties. Fiona offered to communicate information regarding the changes that they could expect to see; for example, when we would be bringing our 74 ft barge "Stewardship" into the bay to lay the mooring blocks for example. This way she hoped to forewarn the people and prevent them from surprises. Fiona has made some personal contacts and visited with several landowners.

From these listening visits some primary concerns came to light; the general untidiness of the farm, the difficulty in communicating with the lease holder, the noise of the tumbling grader machine being some of them. There were others which we thought to be more frustrations coming from the lack of good communications than anything that could be rectified by anything tangibly. Respect, integrity, and consistency are key here.
We considered our options for making this work better for the neighbors and for being able to make this farm viable. Our learning curve is steep, but we have been given enormous help from the Department when we explained what we are trying to do and why and were granted a special permit to land the product and perform all the necessary grading and cleaning and sorting of the oysters at our processing facility in Trenton and then to return the oysters to the farm. The benefits for the neighbors are twofold; a, the noise of the grader running for hours on the generator is removed and b, the length of time spent active on the farm site for each bag of oysters is decreased. The benefits for the company are enormous in terms of efficiency of work effort.
We were given to believe that it was OK to access the farm site via the lessee's parents' property but there were some issues there, so we chose to move the majority of the entering and leaving the site via the Trenton airport ramp, even though this limits the times we can access the farm due to the shallows under the Trenton Bridge around low water.

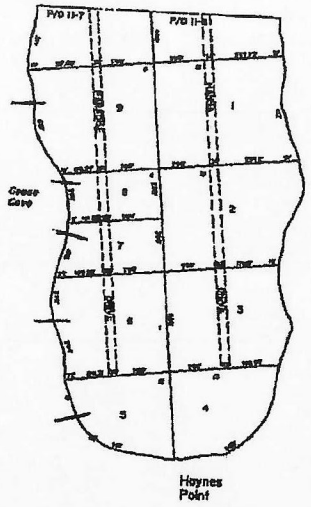
All in all, the oysters are being saved, the gear is being salvaged and reused, the farm is being cleaned tidied and organized and a phenomenal amount of work has happened in a few months, during a pandemic, in a labor shortage with supply chain problems. The oysters are outstanding in flavor and the quality will improve still more. Theo took the sailboat there and lived by the lease for four weeks this summer to get a good feel for the bay. It is a special area, and we will endeavor to be good stewards.

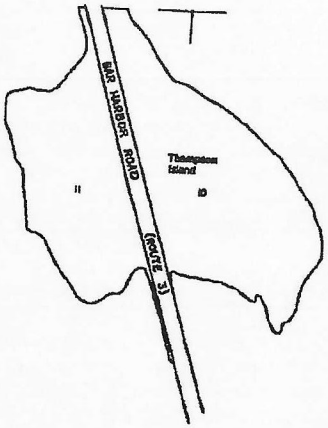
We hope that the commissioner will grant us the opportunity to continue to farm oysters here so that we can develop the connections we have with local oyster companies and support the very large demand for local oysters there is here in the summer.

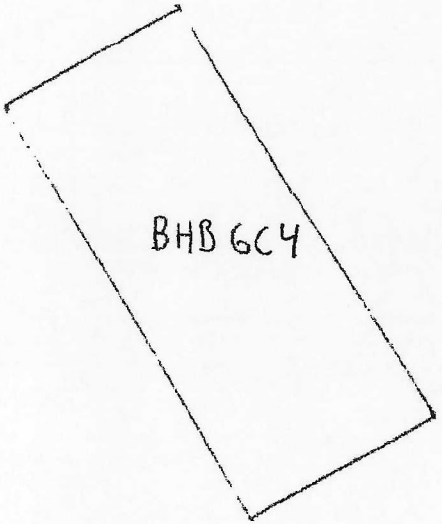
Sincerely

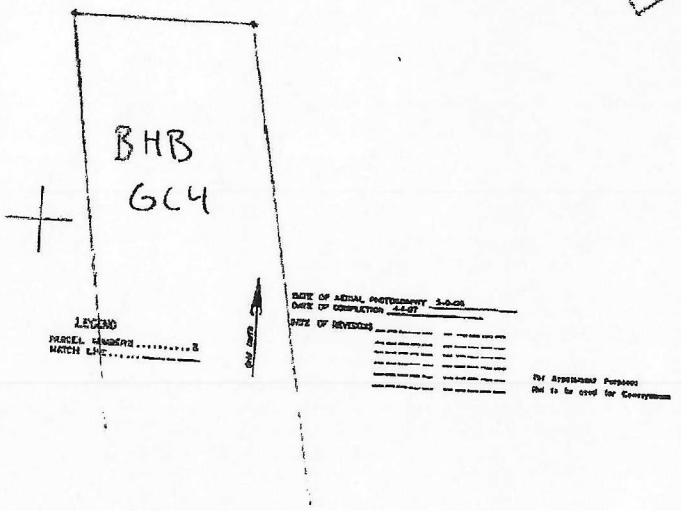
fiona deKoning

Tax Map: Town of Trenton









TAX MAP
TOWN OF TRENTON,
HANCOCK COUNTY, MAINE
PREPARED BY
JAMES W. SEWALL COMPANY, OLD TOWN, MAINE
SCALE: 1 INCH = 200 FEET

Eastern Mapping Services
115 North Road
Newburgh, ME 04444
Tel. (207) 234-2777
Updated April 1, 2018

Carol Walsh
Municipal Clerk 11-9-21