

**KINGFISH MAINE  
JONESPORT, ME**

**NATURAL RESOURCES PROTECTION ACT  
PERMIT APPLICATION**



**March 25, 2021**

**PREPARED BY:**

**Gartley & Dorsky**  
ENGINEERING SURVEYING

59 Union Street Unit 1 P.O. Box 1031 Camden, ME 04843-1031  
Ph (207) 236-4365 Fax (207) 236-3055 Toll Free 1-888-282-4365  
165 Maine Street Suite 2D P.O. Box 1072 Damariscotta, ME 04543  
Ph. (207) 790-5005

**KINGFISH MAINE, INC.**  
**Jonesport, ME**  
**Natural Resources Protection Act Application**  
**Freshwater & Coastal Wetland Alterations**

**Table of Contents**

Application Form and Fee (Submitted by Kingfish Maine, Inc.)

Title, Right & Interest; Certificates of Good Standings

Appendix A: MDEP Visual Evaluation Field Survey Checklist

Appendix B: MDEP Coastal Wetland Characterization

Appendix C: Supplemental Information for Dredging Activities

Activity Description	Attachment 1
Alternatives Analysis/Avoidance & Minimization	Attachment 2
Site Location Map	Attachment 3
Site Photographs	Attachment 4
Site Plans	Attachment 5
Additional Plans	Attachment 6
Construction Plan and Schedule	Attachment 7
Erosion and Sedimentation Control Plan	Attachment 8
Site Conditions Report	Attachment 9
Notice of Intent to File/Abutter List	Attachment 10
Application Distribution List	Attachment 11
Functional Assessment	Attachment 12
Compensation	Attachment 13

L-28995-4C-B-N, ATS # 87419

L-28995-TH-C-N, ATS # 87420

**APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT**→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant:		Kingfish Maine, Inc		5. Name of Agent:		Gartley & Dorsky Engineering & Surveying	
2. Applicant's Mailing Address:		33 Salmon Farm Rd. Franklin, ME 04634		6. Agent's Mailing Address:		P.O. Box 1031 Camden, ME 04843	
3. Applicant's Daytime Phone #:		(502) 387-8673		7. Agent's Daytime Phone #:		(207) 236-4365	
4. Applicant's Email Address: License will be sent via e-mail.		m.sorby@kingfish-maine.com		8. Agent's E-mail Address:		blane@gartleydorsky.com	
9. Location of Activity: (Nearest Road, Street, Rt.#)		9 Dun Garvin Road off Mason Bay Road (Route 187)		10. Town:		Jonesport	
				11. County:		Washington	
12. Type of Resource: (Check all that apply)		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input checked="" type="checkbox"/> Freshwater Wetland <input checked="" type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:		Chandler Bay	
				14. Amount of Impact: (Sq.Ft.)		Fill: 261,196 sf Forested Wetlands Coastal & Subtidal: ±8,620 sf direct temporary ±28,610 sf indirect ±7,136 sf direct mitigated	
15. Type of Wetland: (Check all that apply)		<input checked="" type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input checked="" type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____		<b>FOR FRESHWATER WETLANDS</b>			
		<i>Tier 1</i>		<i>Tier 2</i>		<i>Tier 3</i>	
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft		<input type="checkbox"/> 15,000 – 43,560 sq. ft.		<input checked="" type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1	
16. Brief Activity Description		The applicant seeks permission to construct a land-based RAS aquaculture facility. The planned facility will alter wetlands. For additional information, please refer to Attachment 1.					
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> <u>±93.2</u> acres		UTM Northing: 4934537mN UTM Easting: 612988mE			
18. Title, Right or Interest:		<input type="checkbox"/> own <input type="checkbox"/> lease <input checked="" type="checkbox"/> purchase option <input type="checkbox"/> written agreement					
19. Deed Reference Numbers:		Book:4301 Page: 266		20. Map and Lot Numbers:		Map #: 8 Lot #: 23	
21. DEP Staff Previously Contacted:		Maria Eggett, Bill Noble, Ken Libbey		22. Part of a larger project:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
23. Resubmission of Application?		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No If yes, previous application # _____		Previous project manager:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
24. Written Notice of Violation?		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No If yes, name of DEP enforcement staff involved: _____		25. Previous Wetland Alteration:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Detailed Directions to the Project Site:		From Bangor, take State Rte 9E/N to ME-193 S. Turn left onto US-1 N. and then right onto ME-187. Dun Garvin Rd will be on the left approximately 9.3 miles from Route 1 on the left.					
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS					
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input checked="" type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input checked="" type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input checked="" type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required			
28. FEES Amount Enclosed:		Code 4C & TH \$9,684.86					

**CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2**

PAGE 2

**IMPORTANT:** IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following:

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

**CORPS SIGNATORY REQUIREMENT**

USC 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. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

**DEP SIGNATORY REQUIREMENT**

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

DocuSigned by:  
Olaf Maiman  
91A81C6942F4CE  
DocuSigned by:  
Christo de Plessis



Date: 3/25/21

SIGNATURE OF AGENT/APPLICANT

**NOTE:** Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.



**Corporate Name Search**

## Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Thu Mar 18 2021 11:41:59. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
KINGFISH MAINE INC.	20200418 F	BUSINESS CORPORATION (FOREIGN)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
12/13/2019	N/A	DELAWARE

**Other Names** (A=Assumed ; F=Former)

NONE

### Clerk/Registered Agent

ANTHONY E. PERKINS, ESQ.  
C/O BERNSTEIN SHUR  
P.O. BOX 9729  
PORTLAND, ME 04104 5029

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# State of Maine



## Department of the Secretary of State

*I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the reports of qualification of foreign business corporations in this State and annual reports filed by the same.*

*I further certify that KINGFISH MAINE INC., a DELAWARE corporation, is a duly qualified foreign business corporation under the laws of the State of Maine and that the application for authority to transact business in this State was filed on December 13, 2019.*

*I further certify that said foreign business corporation has filed annual reports due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the authority to transact business in this State and that according to the records in the Department of the Secretary of State, said foreign business corporation is a legally existing business corporation in good standing under the laws of the State of Maine at the present time.*

*In testimony whereof*, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this fifteenth day of June 2020.




Matthew Dunlap  
Secretary of State

**DEED OF TRUSTEE**

KNOW ALL MEN BY THESE PRESENTS, that I, **MATTHEW DAVID VAN LOON**, having a mailing address of 3 Palm Port, Morris Plains, New Jersey 07950, duly appointed and acting **Trustee of the VAN LOON CHILDREN TRUST**, by the power conferred by law, and every other power, for consideration paid, grants to **W.W. WOOD PROPERTIES, LLC**, having a mailing address of PO Box 289, Jonesport, Maine 04649, a certain lot or parcel of land, together with the buildings and improvements thereon, situated in the Town of Jonesport, Washington County, Maine, bounded and described in **EXHIBIT A** attached hereto and incorporated herein.

TRANSFER TAX PAID

For Grantor's source of title, reference may be had to the Deed of Distribution from the Estate of James C. Van Loon, Jr., late of Bernards Township, New Jersey, deceased testate, to Matthew David Van Loon, as Trustee of The Van Loon Children Trust, dated December 19, 2014, and recorded in said Registry in Book 4118, Page 264.

**IN WITNESS WHEREOF**, I, Matthew David Van Loon, Trustee as aforesaid, have hereunto set my hand this 4 day of OCTOBER, 2016.



Matthew D. Van Loon, Trustee of the  
**THE VAN LOON CHILDREN TRUST**

STATE OF MAINE <sup>NJ</sup>  
MORRIS, ss.

October 4, 2016

Personally appeared before me the above-named Matthew David Van Loon, Trustee as aforesaid, and acknowledged the above instrument to be his free act and deed in his said capacity.

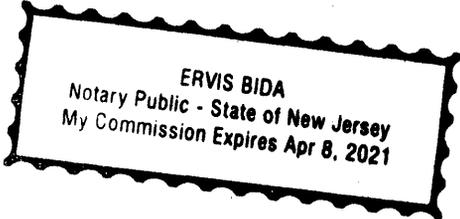


\_\_\_\_\_  
Notary Public

Ervis Bida

\_\_\_\_\_  
Printed Name

My commission expires:  
\_\_\_\_\_



**EXHIBIT A**

Real property situated between Route 187 and Chandler Bay in the Town of Jonesport, Washington County, Maine, with reference being made to the deed from The United States of America, by and through the Administrator of General Services, to Sterling Net & Twine Co., Inc., dated December 15, 1958 and recorded in Book 556, Page 369 in the Washington County, Maine, Registry of Deeds, more particularly bounded and described as follows, to wit:

"...the following described property situated in Washington County, State of Maine, as shown on U.S. Coast Guard 1<sup>st</sup> ND Drawing #4116 dated 20 April 1945, and revised 8 June 1945 entitled 'HF/DF Station, Jonesport, Me. - Boundary and Topographic plan' and as recorded in Washington County, Maine, Registry of Deeds, Book No. 463, page No. 421.

A certain parcel of land situate in the Town of Jonesport, Maine, approximately 1- ½ miles north of the center of the Town and bordering on the shore of Chandler Bay, Washington County, Maine more particularly bounded and described as follows: Beginning at a point formed by the intersection of the northerly boundary line of the Greenwood Cemetery Society and the easterly right of way boundary line of State Highway No. 187 running from Jonesport to the Town of Jonesboro; thence running N 72° 34' 48" East, a distance of 400.10 feet more or less to a point; thence running North 70° 51' 08" East, a distance of 1449.03 feet more or less along the land of George A. Farnsworth to a point; thence running North 71° 53' 0" East, a distance of 130.15 feet more or less to an iron pin near the edge of the shore of Chandler Bay; thence continuing North 71° 53' 0" East, a distance of 35 feet more or less to the mean high water line of Chandler Bay; thence turning and meandering along the said mean high water line of Chandler Bay in a northerly and northwesterly direction for a distance of 3700 feet more or less to a point on land now or formerly of the Heirs of Joshua Woodward; thence turning and running South 75° 22' 46" West, a distance of 20 feet more or less along the land now or formerly of the Heirs of Joshua Woodward to an iron pipe located near the edge of the shore of Chandler Bay; thence continuing South 75° 22' 46" West, a distance of 1515.13 feet more or less along the land of the Heirs of Joshua Woodward to an iron pin thru twin spruce trees located in the easterly right of way boundary line of said State Highway No. 187; thence turning and running in a southeasterly direction along the easterly right of way boundary line of said State Highway No. 187 for a distance of 2620 feet more or less to the point of beginning and containing 110 acres, more or less.

The above-described parcel forms a portion of the land shown as lot No. 35 and 36 on a plan of plantation 22 made by B. A. Jones in 1806, and is subject to the right of public passage between said State Highway No. 187 and Kelley Point in said Jonesport, over which strip of land approximately 10' wide along a part of the southeasterly boundary, above set forth, and known as the Loon Point Road."

TOGETHER WITH the area between mean high water mark and mean low water mark as it extends easterly and northeasterly between an easterly extension of the southerly side line of said lands

now or formerly owned by Paula L. Stahl et als. by virtue of the deed from Viola S. Van Loon, dated July 18, 1983 and recorded in Book 1240, Page 14 in the Washington County, Maine, Registry of Deeds and the northwesterly side line of land now or formerly owned by the Heirs of Joshua Woodward, SUBJECT, HOWEVER to the rights of the public therein.

EXCEPTING AND NOT HEREBY CONVEYING from the above-described premises that premises conveyed in the two deeds, the first being from James C. Van Loon, Sr. and Viola Van Loon as Joint Tenants to the United States of America, dated August 29, 1969 and recorded in Vol. 663, Page 563 in the Washington County, Maine, Registry of Deeds, and the second being the said deed from Viola S. Van Loon (as the surviving Joint Tenant) to Paula L. Stahl et als., dated July 18, 1983 and recorded in Book 1240, Page 14 in said Registry of Deeds.

The above-described premises is hereby conveyed SUBJECT TO the following:

1. the rights of the public in and to the area between the high and low water marks of Chandler Bay;
2. Easement from James C. Van Loon Sr. and Viola Van Loon to Bangor Hydro-Electric Company, dated November 24, 1967 and recorded in Vol. 659, Page 153 in the Washington County, Maine, Registry of Deeds; and
3. Easement from Viola S. Van Loon (widow) to Bangor Hydro-Electric Company, dated August 28, 1973 and recorded in Book 809, Page 260 in said Registry of Deeds.

Reference is hereby made to the Deed of Distribution from James C. Van Loon, Jr., Personal Representative of the Estate of Viola S. Van Loon, deceased (testate) to James C. Van Loon, Jr., individually, dated as of July 9, 1991 and recorded in Book 2913, Page 26 in said Registry of Deeds.

Received  
Recorded Register of Deeds  
Oct 07:2016 09:48:51A  
Washington County  
Sharon D. Strout

DLN: 1002140132150

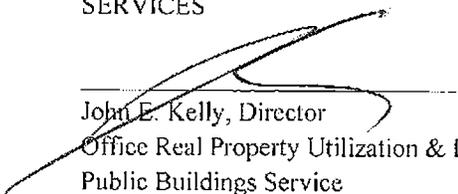
RELEASE DEED

KNOW ALL MEN BY THESE PRESENTS, the UNITED STATES OF AMERICA, acting by and through the Administrator of the General Services Administration (the "Grantor"), under and pursuant to the powers and authority contained in the provisions of the Property Act (116 Stat. 1062, 40 USC 541 et seq.), and the regulations and orders promulgated thereunder, having an address of General Services Administration, New England Region, Thomas P. O'Neill Federal Building, 10 Causeway Street, Boston, Massachusetts 02222, in full consideration of ONE DOLLAR and NO CENTS (\$1.00), the receipt of which is hereby acknowledged, does hereby GRANT, GIVE, REMISE, AND RELEASE, all right, title and interest, if any, without warranty or representation of any kind or nature, express or implied, to W.W. WOOD PROPERTIES, I.LC, a Maine limited liability company (the "Grantee"), having a mailing address of PO Box 358, Holden, ME 04429, a certain parcel of intertidal land on Chandler Bay, with any improvements thereon, situated in the Town of Jonesport, Washington County, Maine, bounded and described on Exhibit A attached hereto and incorporated herein (the "Property").

CONDITION OF PROPERTY. The Grantee, in accepting this release deed, acknowledges and attests that it has inspected, is aware of, and accepts the condition and state of repair of the Property. It is understood and agreed that the Property is conveyed 'as is' and 'where is' and, without any representation, warranty or guarantee of any kind or nature, express or implied, including, without limitation, any representation, warranty or guarantee as to quantity, quality, character, condition, size, or kind, or that the same is in any particular condition or fit to be used for any particular purpose. The Grantee, in accepting this Deed, acknowledges that the Grantor has made no representation or warranty concerning the condition or state of repair of the Property that has not been fully set forth in this release deed.

IN WITNESS WHEREOF, the Grantor has caused this Release to be executed in its name by John E. Kelly, Director, Office of Real Property Utilization & Disposal, Public Buildings Service, New England Region, General Services Administration, thereunto duly authorized, on this 4th day of February 2021.

UNITED STATES OF AMERICA  
Acting by and through the  
ADMINISTRATOR OF GENERAL  
SERVICES

  
John E. Kelly, Director  
Office Real Property Utilization & Disposal  
Public Buildings Service

ACKNOWLEDGEMENT

Commonwealth of Massachusetts )  
County of Suffolk ) ss.

In Boston, in said County and State, on this 4th day of February 2021, before me, the undersigned notary, personally appeared John E. Kelly, Direct of Property Utilization and Disposal, Public Buildings Service, General Services Administration, Boston, Massachusetts, proved to me through satisfactory evidence of identification, which was a U.S. General Services Administration ID card, to be the person whose name is signed on the preceding instrument and by him duly executed, to be his free act and deed in his capacity as Director of Property Utilization and Disposal, General Services Administration Boston, Massachusetts and the free act and deed of the Grantor.

*Carol H. Chirico*

Carol H. Chirico, Notary Public  
My commission expires: November 2, 2023

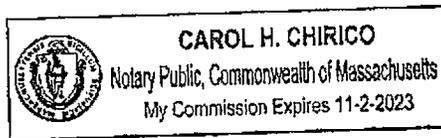


EXHIBIT A

Certain real property located in the Town of Jonesport, Washington County, Maine, located between the mean high water mark and the low water mark of Chandler Bay easterly of the land described in the deed from the United States of America, by and through the Administrator of General Services, to Sterling Net & Twine Co., Inc. dated December 15, 1958 and recorded in said Registry of Deeds in Book 556, Page 369 depicted on U.S. Coast Guard 1<sup>st</sup> ND Drawing #4116 dated 20 April 1945, and revised 8 June 1945, entitled "HF/DF Station, Jonesport, ME - Boundary and Topographic Plan" recorded in the Washington County Registry of Deeds in Plan Book 8, Page 40 (the "USCG Survey"); said intertidal area located between land now or formerly owned by their heirs of Joshua Woodward on the north and land now or formerly of George A. Farnsworth on the south as shown on the USCG Survey. Excepting therefrom that portion conveyed to Paula L. Stahl et als. from Viola S. Van Loon by deed dated July 18, 1983 and recorded in Book 1240, Page 13 in the Washington County, Maine, Registry of Deeds.

**STATE OF MAINE**  
**SUBMERGED LANDS LEASE**

No. 2248-L-49

*This SUBMERGED LANDS LEASE (hereinafter Lease) conveys certain limited rights in the submerged lands held by the State of Maine in trust for the public. It is not an environmental permit for the use of these lands.*

This Lease is entered into by the Bureau of Parks and Lands (hereinafter Lessor), an agency of the State of Maine Department of Agriculture, Conservation and Forestry by its Director acting pursuant to the provisions of Title 12 M.R.S.A. Sections 1801 & 1862, and **KINGFISH MAINE, INC.** (hereinafter Lessee) **33 SALMON FARM ROAD, FRANKLIN, ME 04634**. Lessor hereby leases to Lessee, on the terms and conditions hereinafter set forth, the following described submerged land (hereinafter leased premises) situated in Washington County, Maine, to wit:

A certain parcel of public submerged land located in Chandler Bay, Town of **Jonesport**, Maine, totaling 86,720 +/- square feet, abutting adjacent upland recorded in Washington County Registry of Deeds Book 4301 Page 266 now owned by W.W. Wood Properties, LLC with an Option to Purchase by Kingfish Maine, Inc. as further described in Attachments A, B and C which are hereby incorporated into this Lease.

1. **TERM.** This lease shall commence on September 25, 2020 and continue to December 31, 2049.
2. **USE.** Lessee is hereby authorized to use leased premises for the purposes of a corridor for two intake pipes, two discharge pipes and a diffuser for commercial land-based aquaculture use as described in Bureau of Parks and Lands Submerged Lands Application Number SL2560 and for no other purposes.
3. **OTHER USES.** Lessor reserves the rights of the general public to transitory fishing, fowling, recreation, navigation, and other traditional uses of leased premises, and the right of Lessor to make such other uses of leased premises, including by way of example and without limitation, the right to permit pipes to be laid thereunder or telephone wires to be maintained thereover, as shall not unreasonably interfere with Lessee's use and enjoyment of leased premises for the purposes stated in Paragraph 2 above.
4. **REGULATORY PERMITS.** Lessee shall be responsible for obtaining any and all permits required by any agency of the United States, the State of Maine, or any political subdivision thereof, having jurisdiction over the activities on the submerged lands contemplated by this Lease. Lessee's compliance with such permits and conditions thereof shall be a requirement of this Lease for all purposes including, without limitation, for purposes of defining the extent and purpose of any alteration or use of in, on, under, or over leased premises. Unless all required permits authorizing the uses contemplated hereby are issued prior to the termination date of Dredging Lease 06-22DL (December 31, 2022) associated with this project, this Lease shall be void. In the event that any agency of the United States, the State of Maine, or any political subdivision thereof, denies or disapproves any portion of any application by Lessee for the use of leased premises or any portion thereof, this Lease shall be void as to the denied or disapproved use as of the date of such denial or disapproval. Rental payments made by Lessee for such denied or disapproved use may, upon proper request, be refunded or equitably adjusted, subject to a service charge. Failure by Lessee to abide by, or conform to, the terms and conditions of any such permit shall be an event of default hereunder.

5. **ASSIGNMENT OR SUBLEASING.** All rights leased herein by Lessor may be assigned or sublet by Lessee with the prior written consent of Lessor. Such assignment shall not be unreasonably withheld under then applicable laws, regulations, and public trust principles. Notwithstanding any such assignment or sublease, Lessee shall be and remain liable for compliance with the terms and conditions of this lease unless released by Lessor in writing.

6. **RENTAL.** Annual rental shall be payable hereunder throughout the term hereof as follows, except that rental shall be no less than the minimum amount established by law:

\$4,786.56 per year.

Rental is payable on or before the first day of February each year throughout the term hereof, except as may be adjusted from time to time in accordance with Paragraph 7 below. Payment is to be made to the Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333. Checks are to be made payable to the Treasurer, State of Maine.

7. **RENTAL ADJUSTMENT.** Lessor may adjust the rental from time to time as necessary to conform with its regulations and laws as they may be amended, but Lessor may not adjust rental for five years from the commencement date of this Lease. Subsequent adjustments may not be made more frequently than once every five years. Lessor shall give Lessee at least 120 days notice of such adjustment. In the event Lessee is unwilling to accept such adjustment, Lessee may terminate the Lease and vacate the premises within 120 days of Lessor's notice of adjustment.

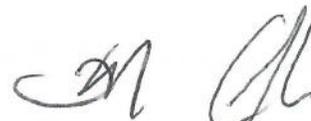
8. **TAXES.** Lessee shall pay when due all taxes, charges, assessments and other impositions levied by any governmental entity upon the structures and improvements on leased premises or any operations or activities thereon.

9. **INDEMNITY.** Lessee shall defend, or cause to be defended, and indemnify and hold Lessor, its employees and agents, harmless from and against any and all manner of claims, suits, expenses, damages or causes of action arising out of, in whole or in part, the use or occupancy of leased premises by Lessee, its agents, contractors, employees, guests, invitees, permittees and sublessees.

10. **MAINTENANCE.** Lessee, at Lessee's expense, shall keep leased premises free of garbage, refuse, and other discarded material and shall maintain all improvements upon leased premises in good condition and repair.

11. **GENERAL RESTRICTIONS.** No nuisance shall be permitted on leased premises. No minerals, including, without limitation, sand and gravel, shall be removed from leased premises, and no rock, earth, ballast or other material shall be deposited upon leased premises, without the prior written consent of Lessor.

12. **CASUALTY REPLACEMENT.** In the event that the improvements and structures placed on leased premises are substantially destroyed by fire or other casualty, and Lessee does not, within two years following such casualty, rebuild or replace the affected improvements and structures, Lessor may cancel this Lease upon thirty (30) days notice to Lessee. Such rebuilding or replacement shall not be undertaken by Lessee without the prior written approval of Lessor.

A handwritten signature in black ink, appearing to be a stylized monogram or initials, possibly 'M' and 'R' or 'A' and 'R', located in the bottom right corner of the page.

13. **DEFAULT.** The following shall be deemed to be events of default hereunder:

- A. Failure of Lessee to pay when due any rent payable hereunder;
- B. Failure of Lessee to comply with any other provision of this Lease.
- C. A transfer by Lessee in fraud of creditors, or petition initiated by Lessee or adjudgement of Lessee as bankrupt or insolvent in any proceedings;
- D. Appointment of a receiver or trustee for all, or substantially all, assets of Lessee; or
- E. Abandonment by Lessee of any portion of leased premises.

Upon becoming aware of the occurrence of any such event of default, Lessor shall notify Lessee in writing. Except as otherwise provided in this paragraph, Lessee must cure any default within thirty (30) days of notice of same. Regarding section 13.B only, if a default occurs and Lessee has satisfied to Lessor that the nature of the default is such that it cannot be cured within thirty (30) days, Lessee shall promptly notify Lessor in writing of the circumstances that exist that require additional time to cure, and cause said default to be cured within the additional amount of time as determined by Lessor. If the default has not been cured within 30 days of Lessor's notice, or within the additional time period granted by Lessor when Lessee is unable to cure the default within 30 days, Lessor may, in addition to, and not instead of, any other remedies available at law or in equity, terminate this Lease without additional notice or demand to Lessee and enter onto and take possession of the leased premises. Lessee shall be liable to Lessor for all rent due hereunder and any loss and expenses incurred by Lessor by reason of any default or termination.

14. **ENTRY.** Lessor, its agents and representatives shall have access to leased premises and all improvements and structures thereon at all times for the purpose of inspecting and securing compliance with the terms and conditions of this Lease, and for all other lawful purposes.

15. **NOTICE.** Any notice required or permitted under this Lease shall be deemed to have been given when actually delivered, or when deposited in the United States mail, first class postage prepaid, addressed as follows: *To Lessor:* Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333, ATTN: Submerged Lands Program. *To Lessee:* at the address given below by Lessee, or at such other address as Lessee may have theretofore specified by written notice actually received and placed of record with Lessor.

16. **ALTERATION.** Lessee shall make no alteration to leased premises, and shall place no improvements or structures in, on, or over leased premises except as specifically described in Paragraph 2 of this Lease, without Lessor's prior written consent.

17. **IMPROVEMENTS.** Upon the expiration, cancellation, or termination of this Lease, regardless of the reason therefore, Lessee shall have ninety (90) days to remove his property. Lessor, at its discretion, shall become owner of all improvements and structures upon leased premises not so removed. Lessor may, at its option, require Lessee to remove all such improvements and structures at Lessee's expense, and to restore leased premises to the condition in which they existed prior to the placement of any improvements or structures thereon.

18. **OTHER APPLICABLE LAWS AND RULES.** This Lease is subject to cancellation by an Act of the Legislature. This lease is issued in accordance with the Rules of the Bureau of Parks and Lands in effect on the effective date of this lease.



19. **ABANDONMENT.** Structures as described under section 2 of this Lease shall be placed on the leased premises within two (2) years of the issuance of this Lease. Once installed, such structures shall be used and maintained for their intended purpose. Failure of the Lessee to install the structures within this time frame or to use and maintain the leased premises shall be deemed an abandonment. Upon determining that the leased premises or a portion thereof have been abandoned, the Lessor at its option may terminate this lease as to the entire leased premises, or as to such portion as has not been so used or maintained, in accordance with the default provisions of Section 13.

20. **MISCELLANEOUS.** This Lease shall be binding upon, and shall inure to the benefit of, Lessor and Lessee and their respective successors, assigns and legal representatives. Failure of either party to complain of any act or omission on the part of the other, no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of its rights hereunder. A waiver by either party at any time, express or implied, of any breach of any provision of this Lease shall not be deemed a waiver of, or consent to, any subsequent breach of the same or any other provision. Lessee may not file this Lease of record, or cause or permit the same, without Lessor's prior written consent. Lessor makes no warranty of Lessee's leasehold estate, and in the event of any lawful ejection of Lessee, Lessor shall refund to Lessee any rentals paid to Lessor for any period of Lease term then remaining. Lessee shall comply with all applicable laws, regulations and ordinances of governmental entities having jurisdiction over leased premises. This Lease contains the entire agreement of the parties and may not be modified except by a writing subscribed by both parties.

21. **GENERAL RIGHT TO TERMINATE.** Lessee shall have the right to terminate this Lease by notifying Lessor at least thirty (30) days prior to termination date. In terminating, Lessee agrees to vacate leased premises and remove all structures and personal property of Lessee located thereon, unless other arrangements have been made, with prior approval of Lessor, to transfer ownership or otherwise dispose of same. Rental payments made by Lessee for such terminated use may, upon proper request, be equitably adjusted, subject to a service charge.

22. **EXTINGUISHMENT OF CONSTRUCTIVE EASEMENT.** Lessee hereby relinquishes any and all rights to leased premises, or any portion thereof that may have been formerly held by constructive easement under Title 12 M.R.S.A. Sections 1801 & 1862, or otherwise.

23. **SPECIAL CONDITIONS:** Lessee shall mark the length of the exposed pipeline along with the intake and diffuser locations.

Accepted and agreed to on

October 26, 2020

Dec 29<sup>th</sup>, 2020

[Signature]  
(Lessee Signature)

[Signature]  
(Lessor Signature)

C. J. Kloet  
(Print Name)

Andrew R. Cutko  
Director, Bureau of Parks & Lands  
Department of Agriculture, Conservation & Forestry  
State of Maine

COO  
(Title)

23 Salmon Farm Road  
(Address of Record)

Franklin, ME 04634

USA

[Handwritten initials]







**STATE OF MAINE  
SUBMERGED LANDS LEASE  
DREDGING OR REMOVAL OF ROCK, SAND, GRAVEL, SILT AND MUD  
FROM SUBMERGED LANDS**

Lease No. 06-22DL

*This SUBMERGED LANDS LEASE (hereinafter Lease) conveys certain, limited rights in the submerged lands held by the State of Maine in trust for the public. It is not an environmental permit for the use of these lands.*

This Lease is entered into by the Bureau of Parks and Lands, an agency of the State of Maine Department of Conservation, by its Director acting pursuant to the provisions of 12 M.R.S.A. Section 1801 & 1862 (hereinafter Lessor) and **KINGFISH MAINE, INC.** (hereinafter Lessee) **33 SALMON FARM ROAD, FRANKLIN, ME 04634**. Lessor hereby leases to Lessee on the terms, conditions, and considerations hereinafter set forth the non-exclusive right to dredge or remove not more than 550 cubic yards of rock, gravel, sand, silt and mud from the following described submerged land (hereinafter leased premises) situated in Washington County, Maine, to wit:

A certain parcel of public submerged land located in Chandler Bay, Town of **Jonesport**, Maine, abutting adjacent upland recorded in Washington County Registry of Deeds Book 4301 Page 266 now owned by W.W. Wood Properties, LLC with an Option to Purchase by Kingfish Maine, Inc., and as further described in Bureau of Parks and Lands Submerged Lands Application No. SL2560 on file with Lessor and Attachments A, B and C which are hereby incorporated into this Lease.

- 1. Term.** This Lease shall commence on September 25, 2020 and terminate on December 31, 2022.
- 2. Fee.** Lessee agrees to pay Lessor a one-time fee of \$100.00 payable upon execution hereof.
- 3. Indemnity.** Lessee shall defend or cause to be defended and shall indemnify and save Lessor, its employees and agents, harmless from and against any and all manner of claims, suits, expenses, damages or causes of action arising out of, in whole or in part, any activities contemplated under this Lease, or any actions or failures to act, of Lessee, its agents, contractors or employees hereunder.
- 4. Compliance with Law.** Lessee shall, in the exercise of any rights granted hereunder, comply with all applicable laws and regulations (including the terms and conditions of any permits) of any federal, State and local authority having jurisdiction.
- 5. Default.** In addition to any other right or remedy available hereunder or at law or equity, this Lease may be cancelled by Lessor upon written notice in the event Lessee shall fail to comply with any term or condition hereof.
- 6. Refund.** In the event Lessee is denied such regulatory permits as are necessary to lawfully exercise the rights granted hereunder, then this Lease shall be void upon such denial and Lessor shall, upon request by Lessee, refund or equitably adjust the fee paid hereunder, subject to a service charge.



**7. Assignment.** All rights leased herein by Lessor may be assigned or sublet by Lessee with the prior written consent of Lessor. Such assignment shall not be unreasonably withheld under then applicable laws, regulations, and public trust principles. Notwithstanding any such assignment or sublease, Lessee shall be and remain liable for compliance with the terms and conditions of this lease unless released by Lessor in writing.

**8. Other Applicable Laws and Rules.** This Lease is subject to cancellation by an Act of the Legislature. This lease is issued in accordance with the Rules of the Bureau of Parks and Lands in effect on the effective date of this lease.

**9. Notice.** Any notice required or permitted hereunder shall be deemed to have been given when actually delivered or when deposited in the United States mail, first class postage prepaid, addressed to the State at the Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333, Attn: Submerged Lands Program, or to the Lessee at the address set forth hereinbelow, or at such other address as may have theretofore been specified by a party hereto by written notice to the other pursuant hereto.

**10. Miscellaneous.** Lessee shall make no use of the leased premises except that which is expressly authorized by this Lease and Lessor reserves the right to make such use of the leased premises as shall not unreasonably interfere with Lessee's operations hereunder. Lessee shall permit no nuisance upon the leased premises. Lessor shall have access to the leased premises, the right to inspect Lessee's operations hereunder and the right to scale materials removed from the leased premises at all reasonable times. Lessee shall pay and discharge promptly all severance, property or other taxes lawfully levied against the leased premises or the materials removed therefrom.

Accepted and agreed to on

October 26, 2020

Kingfish Maine Inc.  
(Lessee)

C.J. Kloet  
(Print Name)

COO  
(Title)

33 Salmon Farm Rd  
(Address)

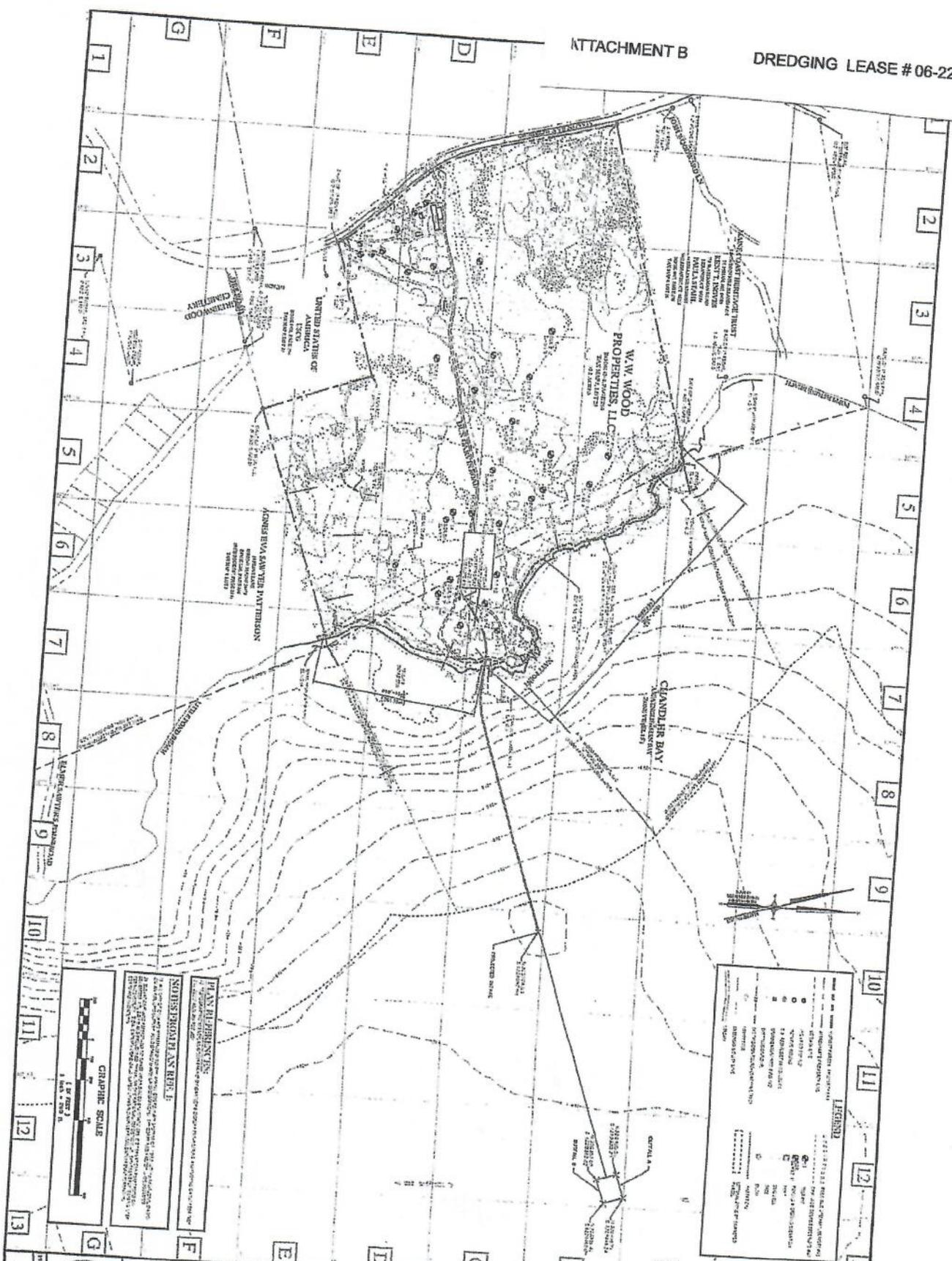
Franklin, ME 04634

Dec 29<sup>th</sup>, 2020

Andrew R. Cutko  
(Lessor, Andrew R. Cutko, Director,  
Bureau of Parks and Lands  
Department of Agriculture, Conservation &  
Forestry, State of Maine)







**LEGEND**

Symbol	Description
○	Survey Point
●	Water
○	Contour
○	Property Boundary
○	Other

**GRAPHIC SCALE**  
1" = 200'

**PLANNED IMPROVEMENTS**  
AS SHOWN ON SHEET E

**NOTES:**  
1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
2. ALL ANGLES ARE IN DEGREES AND DECIMALS THEREOF.  
3. ALL CURVES ARE CIRCULAR UNLESS OTHERWISE NOTED.  
4. ALL ELEVATIONS ARE IN FEET ABOVE MEAN SEA LEVEL UNLESS OTHERWISE NOTED.  
5. ALL PROPERTY BOUNDARIES ARE AS SHOWN ON THIS SHEET.  
6. ALL SURVEY POINTS ARE AS SHOWN ON THIS SHEET.  
7. ALL CONTOURS ARE AS SHOWN ON THIS SHEET.  
8. ALL WATER BODIES ARE AS SHOWN ON THIS SHEET.  
9. ALL OTHER FEATURES ARE AS SHOWN ON THIS SHEET.

**Gartley & Dorsky**  
ENGINEERING SURVEYING

317 Washington Street, Portland, ME 04101  
Tel: 603.761.1111 Fax: 603.761.1112  
www.gartleyandorsky.com

**EX2**

<b>KINGFISH MAINE</b>	<b>EXHIBIT 2</b>
PROJECT: ROUTE 107	SCALE: 1" = 200'
DRAWN: JONAS PEREIRA	CHECKED: JONAS PEREIRA
DATE: JULY 27, 2020	



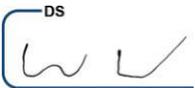
### OPTION TO PURCHASE REAL ESTATE

THIS AGREEMENT is made as of May 2<sup>nd</sup> 2019, by and between **W.W. Wood Properties, LLC**, a Maine limited liability company, with a mailing address of **P.O. Box 358, Holden, ME 04429** (“Owner”) and **Kingfish Maine, Inc.** (“Optionee”), WHO AGREE AS FOLLOWS:

- Option Property:** Owner is the owner of certain premises situated at **9 Dun Garvin Road**, consisting of approximately **94 acres** of land, together with all buildings and improvements thereon and all rights and easements appurtenant thereto, which parcel is further identified in the Jonesport, ME assessor’s records as **9 Dun Garvin Road, Map/Lot reference of 008-023** and is outlined in heavy line on the attached **Exhibit A** (the “Property”) and being the premises described in a deed to Grantor recorded in the Washington County Registry of Deeds in Book 4301, Page 266.
- Option:** In consideration of the “Option Consideration” herewith paid to Owner by Optionee as identified below, Owner hereby grants to Optionee the exclusive, irrevocable right to purchase the Property on the terms set forth in this Agreement (the “Option”). If Optionee elects to purchase the Property, such election shall be made by written notice given to Owner at any time on or before the end of the “Option Period” identified below. Optionee shall have the right, on each occasion by written notice, to extend the Option Period for up to three (3) consecutive “Extension Periods” as described below, in exchange for the corresponding “Extension Consideration” payments set forth below. Each such extension notice and payment shall be made on or before the end of the Option Period (as then extended). The Option and Extension Periods (hereinafter collectively the “Option Period”) and their corresponding Option and Extension Consideration payments (hereinafter collectively the “Option Consideration”) are as follows:

Option Period	Option Consideration
[REDACTED] from execution of this Agreement	[REDACTED]
Extension Periods	Extension Consideration
[REDACTED] from expiration of Option Period	[REDACTED]
[REDACTED] from expiration of First Extension Period	
[REDACTED] from expiration of Second Extension Period	

- Purchase Price:** If Optionee elects to exercise this Option, the purchase price for the Property shall be [REDACTED] (“Purchase Price”). The Option Consideration and first Extension Consideration of [REDACTED] shall be credited against the Purchase Price payable at the closing. All other Extension Considerations shall not be credited against the Purchase Price. If Optionee does not exercise this Option, or if Optionee fails to close, Owner shall retain all Option and Extension Considerations then paid as full consideration and as its sole remedy. Optionee shall be entitled to a refund of the Option Consideration and Extension Considerations only if Owner’s title to the Property proves defective, as provided below.
- Inspections and Approvals:** During the Option Period, Optionee and its employees, contractors and agents shall have the right and easement, at Optionee’s expense and after reasonable notice to Owner, to enter upon the Property for the purposes of conducting inspections, surveys, soils tests, and other testing. Optionee shall reasonably restore the Property to its prior condition in the event that Optionee’s activities disturb or damage the Property. During the Option Period, Optionee may seek at its expense such rezoning, permits and approvals for permits and programs necessary to make the project feasible (for example, the State of Maine’s Pine Tree Zone Program and/or permits that will allow the company to build and sustain its desired business) and the like as Optionee requires (“Approvals”), and Owner agrees to cooperate and join with Optionee in obtaining such Approvals. If, at the end of the Extension Periods, Optionee shall be diligently pursuing any such Approvals, Optionee shall have the right, upon written notice to Owner, to further extend the Option Period for a reasonable period of time (not to exceed [REDACTED]) in order that Optionee may receive a final decision thereon. If Optionee elects to exercise this Option period extension, Optionee shall pay to Owner an Option Consideration of [REDACTED] or a prorated portion thereof if

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said Option Period extension is less than 6 months.

Promptly following execution of this Agreement, Owner shall provide the following ("Due Diligence Materials") to Optionee, to the extent the same are in Owner's possession or control:

- a) Title documents pertaining to the Property
- b) Copies of all applicable licenses, permits, zoning, development and governmental approvals received by the Owner (or, if requested but not yet received by Owner, copies of all applicable requests/applications and related documents);
- c) Copies of all environmental, soils, traffic and other pre-development reports or studies in Owner's possession;
- d) Any other relevant material documentation such as tax abatement agreements, easement agreements, ground leases and the like, if applicable;
- e) Property tax bills for the prior two years;

Any and all material written correspondence with governmental bodies in Owner's possession relating to the Property

5. Closing: If Optionee elects to purchase the Property, Owner shall convey the Property to Optionee (or its designee) by good and sufficient general Warranty Deed conveying marketable title, free and clear of all encumbrances, defects, liens, tenants and occupants ("Title Defects"), and utilizing the description obtained by Optionee's survey if requested. The closing shall take place within 90 days after written notice from Optionee that it has exercised the Option at the date, time and place specified in the notice. Optionee shall have the right to apply the Purchase Price at the Closing to the removal of any mortgages encumbering the Property. The parties agree to execute and deliver such documents as are reasonably necessary and customary to complete the closing. Real estate taxes and utilities shall be prorated as of the closing date. Real estate transfer taxes, income taxes and gains taxes shall be paid by Owner.
6. Broker: The parties agree that no broker has been involved in this transaction, other than The Boulos Company and Bold Coast Properties. Optionee shall be responsible for any fees to The Boulos Company. Owner shall be directly responsible for any fees to be paid to Bold Coast Properties or any other broker engaged by Owner. Each party agrees to indemnify the other from and against any damages, costs or expenses (including reasonable attorneys' fees) that the other party may suffer as a result of claims made or suits brought by any broker, finder or agent in connection with this transaction, the obligated party hereunder to be the party whose conduct gives rise to such claims. This indemnity shall survive the closing and any termination of this Option.
7. Ownership/Risk of Loss: Owner hereby warrants that Owner is the owner of the Property in fee simple, that Owner has the full right and authority to grant the Option described in this Agreement, and that there is no other option, contract or other right to purchase the Property in existence. Prior to the Closing, the risk of loss to the Property or taking by eminent domain shall be on Owner. Possession of the Property will be delivered to Buyer upon Closing.
8. Owner's Warranties: To the best of Owner's knowledge and belief there are no and have never been any Hazardous Materials on, under, in or about, or migrating to or from the Property. The presence of such materials at or any time prior to the Closing shall constitute a Title Defect, rendering the title unmarketable as aforesaid. As used herein, "Hazardous Materials" means any hazardous or toxic materials, waste, substances or matter, oil or other petroleum products, underground tanks, asbestos, or similar materials, including as defined in any federal, state or local law or regulation, or any other substances constituting a hazard or threat to the health of persons, animals or plants. This warranty shall survive the Closing and any expiration or other termination of this Option.
9. Memorandum of Option; No Further Encumbrances: Owner agrees to execute a document for recording purposes which will include the primary terms of this Option, other than the Purchase Price. During the term of this Option Agreement, Owner agrees not to further encumber the Property in any manner without Optionee's consent.
10. Notice: Any notice required to be given by Optionee to extend or exercise this Option shall be in writing, shall be addressed to Owner as set forth above, and shall be sent by registered or certified mail, return

receipt requested, or by a reputable overnight carrier that provides a receipt, such as FedEx or Airborne, and shall be deemed delivered on the date postmarked or the date deposited with the overnight carrier.

11. **Confidentiality:** Owner agrees not to disclose any Confidential Information to any person or other entity without Optionee's prior written consent, except to Owner's professional consultants who agree to be bound by this paragraph. For purposes of this Agreement, "Confidential Information" includes Optionee's interest in the Property; the prospective use of the Property (if disclosed); and the terms of this Agreement and any other agreements between the parties with respect to the Property, except to the extent Optionee may have publicly disclosed any such information.
12. **Binding Effect:** This Option Agreement shall be binding upon the parties and their heirs, administrators, successors and assigns upon full execution by Owner and Optionee in the spaces provided below. Optionee may freely assign its rights hereunder.

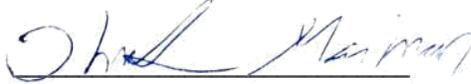
IN WITNESS WHEREOF, Owner and Optionee have executed this Agreement as of the date first set forth above.

**OWNER:**  
**W.W. Wood Properties, LLC.**

DocuSigned by:  
  
222CE152A0EF4DD...

By: wayne wright  
Its: Authorized Signatory

**OPTIONEE:**  
**Kingfish Maine, Inc.**



By: Ohad Maiman  
Its: CEO

**Exhibit A**



DS  
WV

***APPENDIX A***

MDEP VISUAL EVALUATION FIELD SURVEY CHECKLIST

**APPENDIX A: MDEP VISUAL EVALUATION  
FIELD SURVEY CHECKLIST**

(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: **Kingfish Maine, Inc.**

Phone: **(502) 387-8673**

Application Type: **Individual NRPA, AIS Code 4C & TH**

Activity Type: (brief activity description) **Coastal & Freshwater Wetland Alterations for a land-based Aquaculture Facility**

Activity Location: Town: **Jonesport**

County: **Washington**

GIS Coordinates, if known: UTM Easting: 612988 mE, UTM Northing: 4934537 mN

Date of Survey: **11/23/2020**

Observer: **Natalie Marceau**

Phone: **(207) 236-4365**

Distance Between the Proposed Visibility  
Activity and Resource (in Miles)

- |  | 0-¼                                 | ¼-1                                     | 1+                                     |
|--|-------------------------------------|---|--|
| 1. Would the activity be visible from:   |                                     |   |  |
| A. A National Natural Landmark or other outstanding natural feature?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/>    |
| B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/>    |
| C. A state or federal trail?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/>    |
| D. A public site or structure listed on the National Register of Historic Places?  | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/>    |
| E. A National or State Park?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/>    |
| F. 1) A municipal park or public open space?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/>    |
| 2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities? | <input checked="" type="checkbox"/> | <input type="checkbox"/>                | <input type="checkbox"/>               |
| 3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>                | <input type="checkbox"/>               |
| 2. What is the closest estimated distance to a similar activity?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/>    |
| 3. What is the closest distance to a public facility intended for a similar use?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/>    |
| 4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)                      |                                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?  |                                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

***APPENDIX B***

MDEP COASTAL WETLAND CHARACTERIZATION:  
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:  
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

Name of applicant: **Kingfish Maine, Inc.**Phone: **(502) 387-8673**APPLICATION TYPE: **Individual NRPA, AIS Code 4C & TH**ACTIVITY LOCATION: TOWN: **Jonesport**COUNTY: **Washington**ACTIVITY DESCRIPTION:  fill  pier  lobster pound  shoreline stabilization dredge  other: Trench & cover water intake and discharge pipesDATE OF SURVEY: **01/22/2020**OBSERVER: **Steve Tremblay**TIME OF SURVEY: **2:30 PM**TIDE AT SURVEY: **½ hour before low tide**

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: **+/-3,302 sf**Subtidal area: **+/-5,318 sf Direct Temporary (trench)****+/-7,136 sf Direct Mitigated (ECO blocks)**

SIZE OF INDIRECT IMPACT, if known (square feet):

Intertidal area: **0 sf**Subtidal area: **+/-28,610 sf**

HABITAT TYPES PRESENT (check all that apply):

 sand beach  boulder/cobble beach  sand flat  mixed coarse & fines  salt marsh ledge  rocky shore  mudflat (sediment depth, if known):ENERGY:  protected  semi-protected  partially exposed  exposedDRAINAGE:  drains completely  standing water  pools  stream or channelSLOPE:  >20%  10-20%  5-10%  0-5%  variable

SHORELINE CHARACTER:

 bluff/bank (height from spring high tide: +/- 6 feet)  beach  rocky  vegetatedFRESHWATER SOURCES:  stream  river  wetland  stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> snails, crab & Barnacles	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION?

 yes  no

PREVIOUS ALTERATIONS?

 yes  no

CURRENT USE OF SITE AND ADJACENT UPLAND:

 undeveloped  residential  commercial  degraded  recreational

PLEASE SUBMIT THE FOLLOWING:

 Photographs  Overhead drawing *(Included elsewhere in application package)*

***APPENDIX C***

SUPPLEMENTAL INFORMATION FOR DREDGING ACTIVITIES IN A COASTAL WETLAND, GREAT  
POND, RIVER, STREAM, OR BROOK

**APPENDIX C: APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT  
PERMIT  
SUPPLEMENTAL INFORMATION FOR DREDGING ACTIVITIES IN A COASTAL WETLAND, GREAT POND,  
RIVER, STREAM OR BROOK**

(Discard this part if dredging is not proposed as part of your activity.)

**The DEP and the Corps strongly recommend that applicants schedule a pre-application meeting prior to submitting an application for dredging.**

<b>Volume to be dredged:</b>	+/-1000 cu. yds.	+/-450 cu. yds (above MLW) +/-550 cu. yds (below MLW Submerged Lands Lease)
<b>Sq. ft. to be dredged:</b> i	+/-8050 sq. ft.	
<b>Max. depth of dredging below existing grade:</b>	+/-10 feet	
<b>Type of material (example: sand, silt, clay, gravel. etc.) to be Dredged:</b>	stone, gravel, sand, silt and mud	
<b>Describe what erosion and sediment control measures will be used during the dredging operation. (attach separate sheet if necessary):</b>	See attached erosion and sediment control plan	
<b>Describe how and where the dredge spoils will be dewatered (attach separate sheet if necessary):</b>  <b>Show dewatering location and erosion control measures on activity drawings.</b>	Trenches will be excavated along the pipe alignment where the aquaculture facility's intake and discharge pipelines are to be buried, then backfilled and restored following pipe installation. The excess spoils will be loaded and dewatered on barges adjacent to the pipeline route. The spoils will then be transferred directly to land and delivered to upland areas of the project site to be used for finished grading.	
<b>What equipment will be used for the dredge?</b>	Excavator, Barge	
<b>Disposal Location: (Check one)</b>	<b>Upland disposal:</b> <input checked="" type="checkbox"/> On site <input type="checkbox"/> Landfill <input type="checkbox"/> Other _____	<b>Ocean disposal:</b> Federal Disposal Site <input type="checkbox"/> Arundel <input type="checkbox"/> Portland <input type="checkbox"/> Rockland <input type="checkbox"/> Other _____

(pink)

**FOR UPLAND DISPOSAL:**

Contact the Division of Solid Waste Management at (207) 822-6300:

Contacted:      Yes    No   If yes, attach a copy of any correspondence.  
Permitted:      Yes    No   If yes, provide the permit number\_\_\_\_\_.

**FOR OCEAN DISPOSAL:   Not applicable**

Submit as **Attachment 15**, a copy of the test results performed in accordance with the U.S. Environmental Protection Agency and the Army Corps of Engineers' document entitled "Regional Implementation Manual for the Evaluation of Dredged Material Proposed for Disposal in New England Waters" (May 2002). This is available from the Army Corps of Engineers. (207) 623-8367

**NOTE:** Applicants are STRONGLY recommended to contact the DEP prior to performing any sediment sampling. Improperly sampled or analyzed sediments may have to be retested.

Submit as **Attachment 16**, a copy of a map showing the proposed transportation route to the disposal site.

List all municipalities adjacent to the proposed transportation site:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A copy of the application must be submitted to all municipalities adjacent to the proposed transportation site.

Submit as **Attachment 17**, a copy of the notice of the proposed transportation route. A copy of the proposed transportation route must be published in a newspaper of general circulation in the area of the proposed route. (The notice of the proposed route must include compass bearings or Loran coordinates). The notice must be published under the heading "NOTICE TO FISHERMEN".

(pink)

## William Lane

---

**From:** Megan Sorby | Kingfish Maine <m.sorby@kingfish-maine.com>  
**Sent:** Wednesday, March 24, 2021 5:17 PM  
**To:** William Lane; Natalie Marceau; Tom Sorby | Kingfish Maine  
**Subject:** Fwd: Beneficial use of dredge material  
**Attachments:** 096c418 7-8-2018.docx; 096c400 4-6-2015.doc; sw 418 rp dredge 7\_8\_2018 fill in.pdf; sw 418 rp dredge 7\_8\_2018.docx; sw 418 full app 7\_8\_2018 fill in.pdf; sw 418 full app 7\_8\_2018.docx

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**From:** Knuuti, Karen <Karen.Knuuti@maine.gov>  
**Sent:** Monday, August 10, 2020 3:53:17 PM  
**To:** Megan Sorby <megan@kingfish-maine.com>  
**Subject:** Beneficial use of dredge material

Hi Megan,

As promised, here's some reading matter for you. 096c418 is chapter 418 of Maine's solid waste rules—this is the chapter that deals with beneficial use. 096c400 is chapter 400 of the solid waste rules; it contains general provisions applicable to all types of solid waste projects. 418 and the application will refer you to 400 for some things, and it's where all the definitions are.

The other documents are 2 versions of 2 applications—there's a word version and a fill-in pdf. One is for the reduced procedure beneficial use of dredge material as construction fill, and the other is the full process application.

To start, go to chapter 418, section 7.A (page 13). This has the analytical parameters and standards that must be met to use the reduced procedure. Key points are that this is beneficial use, not disposal, must be in a non-residential setting, and the dredge material must be covered by concrete or asphalt pavement or 6 inches of compacted soil. All analytical work must be performed by laboratory holding Maine certification for each parameter. I suggest running the sampling plan by me before collecting the samples, to make sure it includes everything. Note that there's a limit for hexavalent chromium, but not for total chromium. However, you need to analyze for both because we use the total number to make sure you don't also need to do TCLP. There should be sufficient sample to retain some to do TCLP for chromium, lead, and mercury in case the totals are over 20 times the TCLP limit. The minimum number of samples needed is 4. I assume you'll have a consultant involved.

Contact me if you have questions.

Karen Knuuti  
Environmental Specialist, Bureau of Remediation and Waste Management  
Maine Department of Environmental Protection  
(207) 941-4561  
(207) 248-2409  
[www.maine.gov/dep](http://www.maine.gov/dep)

**STATE OF MAINE**  
**SUBMERGED LANDS LEASE**

No. 2248-L-49

*This SUBMERGED LANDS LEASE (hereinafter Lease) conveys certain limited rights in the submerged lands held by the State of Maine in trust for the public. It is not an environmental permit for the use of these lands.*

This Lease is entered into by the Bureau of Parks and Lands (hereinafter Lessor), an agency of the State of Maine Department of Agriculture, Conservation and Forestry by its Director acting pursuant to the provisions of Title 12 M.R.S.A. Sections 1801 & 1862, and **KINGFISH MAINE, INC.** (hereinafter Lessee) **33 SALMON FARM ROAD, FRANKLIN, ME 04634**. Lessor hereby leases to Lessee, on the terms and conditions hereinafter set forth, the following described submerged land (hereinafter leased premises) situated in Washington County, Maine, to wit:

A certain parcel of public submerged land located in Chandler Bay, Town of **Jonesport**, Maine, totaling 86,720 +/- square feet, abutting adjacent upland recorded in Washington County Registry of Deeds Book 4301 Page 266 now owned by W.W. Wood Properties, LLC with an Option to Purchase by Kingfish Maine, Inc. as further described in Attachments A, B and C which are hereby incorporated into this Lease.

1. **TERM.** This lease shall commence on September 25, 2020 and continue to December 31, 2049.
2. **USE.** Lessee is hereby authorized to use leased premises for the purposes of a corridor for two intake pipes, two discharge pipes and a diffuser for commercial land-based aquaculture use as described in Bureau of Parks and Lands Submerged Lands Application Number SL2560 and for no other purposes.
3. **OTHER USES.** Lessor reserves the rights of the general public to transitory fishing, fowling, recreation, navigation, and other traditional uses of leased premises, and the right of Lessor to make such other uses of leased premises, including by way of example and without limitation, the right to permit pipes to be laid thereunder or telephone wires to be maintained thereover, as shall not unreasonably interfere with Lessee's use and enjoyment of leased premises for the purposes stated in Paragraph 2 above.
4. **REGULATORY PERMITS.** Lessee shall be responsible for obtaining any and all permits required by any agency of the United States, the State of Maine, or any political subdivision thereof, having jurisdiction over the activities on the submerged lands contemplated by this Lease. Lessee's compliance with such permits and conditions thereof shall be a requirement of this Lease for all purposes including, without limitation, for purposes of defining the extent and purpose of any alteration or use of in, on, under, or over leased premises. Unless all required permits authorizing the uses contemplated hereby are issued prior to the termination date of Dredging Lease 06-22DL (December 31, 2022) associated with this project, this Lease shall be void. In the event that any agency of the United States, the State of Maine, or any political subdivision thereof, denies or disapproves any portion of any application by Lessee for the use of leased premises or any portion thereof, this Lease shall be void as to the denied or disapproved use as of the date of such denial or disapproval. Rental payments made by Lessee for such denied or disapproved use may, upon proper request, be refunded or equitably adjusted, subject to a service charge. Failure by Lessee to abide by, or conform to, the terms and conditions of any such permit shall be an event of default hereunder.

5. **ASSIGNMENT OR SUBLEASING.** All rights leased herein by Lessor may be assigned or sublet by Lessee with the prior written consent of Lessor. Such assignment shall not be unreasonably withheld under then applicable laws, regulations, and public trust principles. Notwithstanding any such assignment or sublease, Lessee shall be and remain liable for compliance with the terms and conditions of this lease unless released by Lessor in writing.

6. **RENTAL.** Annual rental shall be payable hereunder throughout the term hereof as follows, except that rental shall be no less than the minimum amount established by law:

\$4,786.56 per year.

Rental is payable on or before the first day of February each year throughout the term hereof, except as may be adjusted from time to time in accordance with Paragraph 7 below. Payment is to be made to the Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333. Checks are to be made payable to the Treasurer, State of Maine.

7. **RENTAL ADJUSTMENT.** Lessor may adjust the rental from time to time as necessary to conform with its regulations and laws as they may be amended, but Lessor may not adjust rental for five years from the commencement date of this Lease. Subsequent adjustments may not be made more frequently than once every five years. Lessor shall give Lessee at least 120 days notice of such adjustment. In the event Lessee is unwilling to accept such adjustment, Lessee may terminate the Lease and vacate the premises within 120 days of Lessor's notice of adjustment.

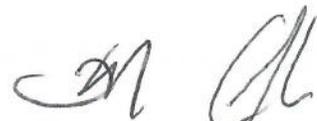
8. **TAXES.** Lessee shall pay when due all taxes, charges, assessments and other impositions levied by any governmental entity upon the structures and improvements on leased premises or any operations or activities thereon.

9. **INDEMNITY.** Lessee shall defend, or cause to be defended, and indemnify and hold Lessor, its employees and agents, harmless from and against any and all manner of claims, suits, expenses, damages or causes of action arising out of, in whole or in part, the use or occupancy of leased premises by Lessee, its agents, contractors, employees, guests, invitees, permittees and sublessees.

10. **MAINTENANCE.** Lessee, at Lessee's expense, shall keep leased premises free of garbage, refuse, and other discarded material and shall maintain all improvements upon leased premises in good condition and repair.

11. **GENERAL RESTRICTIONS.** No nuisance shall be permitted on leased premises. No minerals, including, without limitation, sand and gravel, shall be removed from leased premises, and no rock, earth, ballast or other material shall be deposited upon leased premises, without the prior written consent of Lessor.

12. **CASUALTY REPLACEMENT.** In the event that the improvements and structures placed on leased premises are substantially destroyed by fire or other casualty, and Lessee does not, within two years following such casualty, rebuild or replace the affected improvements and structures, Lessor may cancel this Lease upon thirty (30) days notice to Lessee. Such rebuilding or replacement shall not be undertaken by Lessee without the prior written approval of Lessor.

A handwritten signature in black ink, consisting of a stylized 'M' followed by a cursive flourish.

13. **DEFAULT.** The following shall be deemed to be events of default hereunder:

- A. Failure of Lessee to pay when due any rent payable hereunder;
- B. Failure of Lessee to comply with any other provision of this Lease.
- C. A transfer by Lessee in fraud of creditors, or petition initiated by Lessee or adjudgement of Lessee as bankrupt or insolvent in any proceedings;
- D. Appointment of a receiver or trustee for all, or substantially all, assets of Lessee; or
- E. Abandonment by Lessee of any portion of leased premises.

Upon becoming aware of the occurrence of any such event of default, Lessor shall notify Lessee in writing. Except as otherwise provided in this paragraph, Lessee must cure any default within thirty (30) days of notice of same. Regarding section 13.B only, if a default occurs and Lessee has satisfied to Lessor that the nature of the default is such that it cannot be cured within thirty (30) days, Lessee shall promptly notify Lessor in writing of the circumstances that exist that require additional time to cure, and cause said default to be cured within the additional amount of time as determined by Lessor. If the default has not been cured within 30 days of Lessor's notice, or within the additional time period granted by Lessor when Lessee is unable to cure the default within 30 days, Lessor may, in addition to, and not instead of, any other remedies available at law or in equity, terminate this Lease without additional notice or demand to Lessee and enter onto and take possession of the leased premises. Lessee shall be liable to Lessor for all rent due hereunder and any loss and expenses incurred by Lessor by reason of any default or termination.

14. **ENTRY.** Lessor, its agents and representatives shall have access to leased premises and all improvements and structures thereon at all times for the purpose of inspecting and securing compliance with the terms and conditions of this Lease, and for all other lawful purposes.

15. **NOTICE.** Any notice required or permitted under this Lease shall be deemed to have been given when actually delivered, or when deposited in the United States mail, first class postage prepaid, addressed as follows: *To Lessor:* Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333, ATTN: Submerged Lands Program. *To Lessee:* at the address given below by Lessee, or at such other address as Lessee may have theretofore specified by written notice actually received and placed of record with Lessor.

16. **ALTERATION.** Lessee shall make no alteration to leased premises, and shall place no improvements or structures in, on, or over leased premises except as specifically described in Paragraph 2 of this Lease, without Lessor's prior written consent.

17. **IMPROVEMENTS.** Upon the expiration, cancellation, or termination of this Lease, regardless of the reason therefore, Lessee shall have ninety (90) days to remove his property. Lessor, at its discretion, shall become owner of all improvements and structures upon leased premises not so removed. Lessor may, at its option, require Lessee to remove all such improvements and structures at Lessee's expense, and to restore leased premises to the condition in which they existed prior to the placement of any improvements or structures thereon.

18. **OTHER APPLICABLE LAWS AND RULES.** This Lease is subject to cancellation by an Act of the Legislature. This lease is issued in accordance with the Rules of the Bureau of Parks and Lands in effect on the effective date of this lease.



19. **ABANDONMENT.** Structures as described under section 2 of this Lease shall be placed on the leased premises within two (2) years of the issuance of this Lease. Once installed, such structures shall be used and maintained for their intended purpose. Failure of the Lessee to install the structures within this time frame or to use and maintain the leased premises shall be deemed an abandonment. Upon determining that the leased premises or a portion thereof have been abandoned, the Lessor at its option may terminate this lease as to the entire leased premises, or as to such portion as has not been so used or maintained, in accordance with the default provisions of Section 13.

20. **MISCELLANEOUS.** This Lease shall be binding upon, and shall inure to the benefit of, Lessor and Lessee and their respective successors, assigns and legal representatives. Failure of either party to complain of any act or omission on the part of the other, no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of its rights hereunder. A waiver by either party at any time, express or implied, of any breach of any provision of this Lease shall not be deemed a waiver of, or consent to, any subsequent breach of the same or any other provision. Lessee may not file this Lease of record, or cause or permit the same, without Lessor's prior written consent. Lessor makes no warranty of Lessee's leasehold estate, and in the event of any lawful ejection of Lessee, Lessor shall refund to Lessee any rentals paid to Lessor for any period of Lease term then remaining. Lessee shall comply with all applicable laws, regulations and ordinances of governmental entities having jurisdiction over leased premises. This Lease contains the entire agreement of the parties and may not be modified except by a writing subscribed by both parties.

21. **GENERAL RIGHT TO TERMINATE.** Lessee shall have the right to terminate this Lease by notifying Lessor at least thirty (30) days prior to termination date. In terminating, Lessee agrees to vacate leased premises and remove all structures and personal property of Lessee located thereon, unless other arrangements have been made, with prior approval of Lessor, to transfer ownership or otherwise dispose of same. Rental payments made by Lessee for such terminated use may, upon proper request, be equitably adjusted, subject to a service charge.

22. **EXTINGUISHMENT OF CONSTRUCTIVE EASEMENT.** Lessee hereby relinquishes any and all rights to leased premises, or any portion thereof that may have been formerly held by constructive easement under Title 12 M.R.S.A. Sections 1801 & 1862, or otherwise.

23. **SPECIAL CONDITIONS:** Lessee shall mark the length of the exposed pipeline along with the intake and diffuser locations.

Accepted and agreed to on

October 26, 2020

Dec 29<sup>th</sup>, 2020

[Signature]  
(Lessee Signature)

[Signature]  
(Lessor Signature)

C. J. Kloet  
(Print Name)

Andrew R. Cutko  
Director, Bureau of Parks & Lands  
Department of Agriculture, Conservation & Forestry  
State of Maine

COO  
(Title)

23 Salmon Farm Road  
(Address of Record)

Franklin, ME 04634

USA

[Handwritten initials]







**STATE OF MAINE  
SUBMERGED LANDS LEASE  
DREDGING OR REMOVAL OF ROCK, SAND, GRAVEL, SILT AND MUD  
FROM SUBMERGED LANDS**

Lease No. 06-22DL

*This SUBMERGED LANDS LEASE (hereinafter Lease) conveys certain, limited rights in the submerged lands held by the State of Maine in trust for the public. It is not an environmental permit for the use of these lands.*

This Lease is entered into by the Bureau of Parks and Lands, an agency of the State of Maine Department of Conservation, by its Director acting pursuant to the provisions of 12 M.R.S.A. Section 1801 & 1862 (hereinafter Lessor) and **KINGFISH MAINE, INC.** (hereinafter Lessee) **33 SALMON FARM ROAD, FRANKLIN, ME 04634**. Lessor hereby leases to Lessee on the terms, conditions, and considerations hereinafter set forth the non-exclusive right to dredge or remove not more than 550 cubic yards of rock, gravel, sand, silt and mud from the following described submerged land (hereinafter leased premises) situated in Washington County, Maine, to wit:

A certain parcel of public submerged land located in Chandler Bay, Town of **Jonesport**, Maine, abutting adjacent upland recorded in Washington County Registry of Deeds Book 4301 Page 266 now owned by W.W. Wood Properties, LLC with an Option to Purchase by Kingfish Maine, Inc., and as further described in Bureau of Parks and Lands Submerged Lands Application No. SL2560 on file with Lessor and Attachments A, B and C which are hereby incorporated into this Lease.

- 1. Term.** This Lease shall commence on September 25, 2020 and terminate on December 31, 2022.
- 2. Fee.** Lessee agrees to pay Lessor a one-time fee of \$100.00 payable upon execution hereof.
- 3. Indemnity.** Lessee shall defend or cause to be defended and shall indemnify and save Lessor, its employees and agents, harmless from and against any and all manner of claims, suits, expenses, damages or causes of action arising out of, in whole or in part, any activities contemplated under this Lease, or any actions or failures to act, of Lessee, its agents, contractors or employees hereunder.
- 4. Compliance with Law.** Lessee shall, in the exercise of any rights granted hereunder, comply with all applicable laws and regulations (including the terms and conditions of any permits) of any federal, State and local authority having jurisdiction.
- 5. Default.** In addition to any other right or remedy available hereunder or at law or equity, this Lease may be cancelled by Lessor upon written notice in the event Lessee shall fail to comply with any term or condition hereof.
- 6. Refund.** In the event Lessee is denied such regulatory permits as are necessary to lawfully exercise the rights granted hereunder, then this Lease shall be void upon such denial and Lessor shall, upon request by Lessee, refund or equitably adjust the fee paid hereunder, subject to a service charge.



**7. Assignment.** All rights leased herein by Lessor may be assigned or sublet by Lessee with the prior written consent of Lessor. Such assignment shall not be unreasonably withheld under then applicable laws, regulations, and public trust principles. Notwithstanding any such assignment or sublease, Lessee shall be and remain liable for compliance with the terms and conditions of this lease unless released by Lessor in writing.

**8. Other Applicable Laws and Rules.** This Lease is subject to cancellation by an Act of the Legislature. This lease is issued in accordance with the Rules of the Bureau of Parks and Lands in effect on the effective date of this lease.

**9. Notice.** Any notice required or permitted hereunder shall be deemed to have been given when actually delivered or when deposited in the United States mail, first class postage prepaid, addressed to the State at the Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333, Attn: Submerged Lands Program, or to the Lessee at the address set forth hereinbelow, or at such other address as may have theretofore been specified by a party hereto by written notice to the other pursuant hereto.

**10. Miscellaneous.** Lessee shall make no use of the leased premises except that which is expressly authorized by this Lease and Lessor reserves the right to make such use of the leased premises as shall not unreasonably interfere with Lessee's operations hereunder. Lessee shall permit no nuisance upon the leased premises. Lessor shall have access to the leased premises, the right to inspect Lessee's operations hereunder and the right to scale materials removed from the leased premises at all reasonable times. Lessee shall pay and discharge promptly all severance, property or other taxes lawfully levied against the leased premises or the materials removed therefrom.

Accepted and agreed to on

October 26, 2020

Kingfish Maine Inc.  
(Lessee)

C.J. Kloet  
(Print Name)

COO  
(Title)

33 Salmon Farm Rd  
(Address)

Franklin, ME 04634

Dec 29<sup>th</sup>, 2020

[Signature]  
(Lessor, Andrew R. Cutko, Director,  
Bureau of Parks and Lands  
Department of Agriculture, Conservation &  
Forestry, State of Maine)

[Signature] [Signature] [Signature]







## ***ATTACHMENT 1***

### **ACTIVITY DESCRIPTION**

Kingfish Maine, Inc., a subsidiary of the Kingfish Company proposes to develop a land based Recirculating Aquaculture System (RAS) to grow Yellowtail (*Seriola Lalandi*) at a 93 acre property on Mason Bay Road in Jonesport, Washington County, Maine. Its location per the Jonesport assessing data is 9 Dun Garvin Road, at Map 8 Lot 23. The facility is dependent on access to seawater for growing this species of finfish. The property has frontage on Chandler Bay, which will supply required seawater to the facility and accommodate a treated water discharge via new intake and outfall construction. This RAS operation is a water depending use.

The facility would hatch, grow, and process fish in newly constructed buildings. It will support growth of the fish through its life cycle, from egg to production size. The onsite operation would also perform associated work, including maintenance of broodstock, growing of specialized feed sources for the fry developmental stage, and water quality and biological health monitoring. Intake water supply and treated water outfalls into Chandler Bay will provide a means of accessing the requisite high-quality seawater to sustain the operation and to ensure excellent water quality in the resource.

Site development will include facilities to support the operation needs of the product, including landside access and roads for circulation of deliveries and staff, as well as onsite utility and mechanical support, administrative space, residential units for staff, and a store and information center are also proposed to further the project objective.

#### **Property Selection**

Kingfish identified the US market as an appropriate opportunity for expansion. Supported by advisors and consultant teams, Kingfish developed a search and site selection process to identify likely properties that had adequate development potential and secure access to high quality clean seawater. A matrix of identified sites assessed access to water, available land area, and natural resources for a group of 25 sites, primarily in Maine. Based on the objectives of optimizing site needs, inclusive of adequate land area, access to excellent quality seawater, reasonable access to deep water in the adjoining waterbody, suitable power and related critical infrastructure, the Jonesport property was selected to site the facility.

#### **Site Characteristics**

The property's address is 9 Dun Garvin Road and is identified on the Jonesport Tax Map as Map 8, Lot 23. It is presently unused. Existing infrastructure includes driveways, power lines, wells, and structures from disused buildings that had supported activity on the property.

The property fronts on the east side of Mason Bay Road, approximately 9 miles by road south of Route 1. The property extends roughly 2,000 feet to Chandler Bay, which has a rocky and ledge bound shoreline with straight line frontage of ~4,200 feet. The property is a mix of the prior development sites, a large open maintained field, wetlands including forested wetlands and a peatland area, and woods in rolling terrain.

The property's shoreline lies adjacent to a VE 15 floodzone, reflecting its moderate exposure to open water and wave action to the east. The Shorefront is mapped as Ledge and gravel beach, and the subtidal areas are mapped as coarse-grained flats per the Maine Department of Conservation 'Coastal Marine Geologic Environments' map.

Natural resources assessments, environmental studies, geotechnical investigations, test pitting, and related studies have been performed on the property.

#### Wetland impacts

Impacts are related to siting features of development from the project's minimum fill slope extension footprint. In addition, intertidal alterations are necessary to install intake and discharge piping to support the primary function of the facility.

#### Intake & Discharge Pipes

In order to supply seawater to the facility for the purposes of culturing a marine species, Yellowtail (*Seriola lalandi*), Kingfish Maine requires the installation of intake and discharge pipes in Chandler Bay, directly adjacent to the site. The company is proposing to install two intake pipes to bring water into the facility and two effluent pipes to discharge water used in the culture process after it has been treated in accordance with relevant regulations.

All four pipes are 48 inches (1200mm) in diameter. The two intake pipes are proposed to be buried from the pumphouse out to mean low water, after which they will transition to sit in concrete collars anchoring the pipes to the seafloor (see attached plans for profile of pipes, buried, and anchored configurations). The two pipe will run in parallel out to approximately 1212 ft (400m), where each will terminate in a staggered configuration. Terminus of each pipe will be turned up 90 degrees from the seafloor and screened in order to prohibit entrainment and entrapment as well as allow for cleaning and maintenance access. The discharge pipes will begin from a storage tank directly in front of the wastewater treatment building. These pipes will also be buried and brought together into the same trench as the intake pipes. The discharge pipes will run in parallel with the intake pipes, transitioning from buried to sitting in concrete collars on the seafloor at the same point below mean low water. The discharge pipes will continue running in parallel, past the termination of the intake pipes for an additional 1162 ft. The pipes will then diverge within a 100ft wide corridor, where there will be a series of diffuser ports at the end of each pipe to aid in the dispersion and mixing of discharged effluent. This will encompass an additional 150 ft (45m), making total length of the discharge pipes approximately 2,524 ft, or approximately 800m. Proposed seawater discharge volume is 28.7 million gallons per day (4525m<sup>3</sup>/hr).

#### Siting of Pipeline Location

Once the proposed project site was selected, Kingfish Maine engaged field work to aid informing the siting of the proposed pipelines. The two main concerns in minimizing impacts of pipes were (a) ensuring location of both intake and discharge terminus points allow for maximum mixing and dispersion of the water Kingfish Maine is utilizing, minimizing potential impacts on water quality, and (b) ensuring they are minimizing aquatic habitat disturbance in both the installation and ongoing operational phases. In addition to these key environmental considerations, discussions with the local residents of Jonesport indicated it was critical to them that the development of any pipes for this facility take up as short a footprint as possible into Chandler

Bay because of fishing activity. Kingfish Maine approached siting the location of the intake and outfall pipes and modelling of effluent flow with this concern in mind, looking for an area that would achieve both regulatory compliance and the concerns of residents; they are fortunate that the local fishing community has such accurate knowledge of Chandler Bay, providing great detail regarding seafloor characterization, depths, and areas of least impact on their activities.

To add to the local knowledge provided, Kingfish Maine engaged in data collection on the background water quality, flow, and current conditions in Chandler Bay; this, along with Maine DEP data were used to inform modelling of effluent. Once the best location for effluent mixing was identified, the company engaged in an ROV survey, performed by the University of Maine, to characterize the bottom type, habitats, and species present of the proposed pipe route and surrounding area of Chandler Bay.

#### Pipeline Anchoring Design Strategy and Mitigation

Following the ROV survey, Kingfish Maine engaged in preliminary pipeline configuration and anchoring design that would allow for preservation of local activity in Chandler Bay, predominantly fishing, as well as minimizing impacts to the observed bottom.

As described above, both intake and discharge pipes will be buried in a horizontal configuration to mean low water, at which point, the four pipes will transition to run in concrete collars along the seafloor. This configuration allows for slight suspension of the pipes above the substrate to minimize contact with the bottom as well as maintain a low profile to minimize potential issues with fishing gear.

Laying these pipes in Chandler Bay presents an opportunity to add structure and diversity to the bottom characteristics in Chandler Bay. Kingfish Maine is proposing to work with a group, EConcrete, to incorporate their bio enhancing admix into the concrete utilized in the anchoring and armoring structures as well as a unique concrete form to encourage biogenic growth.

This company has a proven track record globally; incorporation of their admix and forms in projects has shown to increase species richness and taxa assemblage on structures twofold through combatting the typical issues observed in subaquatic construction: high or steep inclination, low form complexity, and high surface homogeneity.

The ultimate design of the forms for the ballast anchors and their placement will be specific to the most favorable orientation along the determined pipeline route. Small elevation of the pipes off the seafloor will allow for natural processes and animal passage; reduced inclination at anchor points will also allow for passage over the pipes. Interstitial spaces and varied texture will encourage recruitment and diversity as well as provide variety to an otherwise homogeneous habitat area. In addition, this enhanced biogenic growth has proven to improve structural integrity and reduce magnitude and frequency of structural maintenance. Maximum projected footprint of anchors contacting the seafloor would be approximately 6,615 square feet for the entire pipe route. Proposed construction period would occur between November and April to minimize disturbance to ongoing natural processes. Based on precedent of incorporation of this technology in similar projects in other jurisdictions, Kingfish Maine proposes to establish a monitoring program in order to support a recommendation that this portion of the Kingfish Maine development, the pipeline and anchoring, be considered self-mitigation.

## **ATTACHMENT 2**

### **ALTERNATIVES ANALYSIS/ AVOIDANCE & MINIMIZATION**

As with any development, site selection is a critical component to the success of the project. The Kingfish Company, originally established in the Netherlands, is a pioneer in land-based farming of Yellowtail (*Seriola lalandi*) utilizing recirculating aquaculture system (RAS) technology. It is the first land-based fish farm to be Best Aquaculture Practices certified and the first Aquaculture Stewardship Council certified source of Yellowtail. Since establishment in 2015, the company has proven its business model, completing Phase I of building and operating a 600 ton facility in Zeeland province (Netherlands) and constructing and commissioning Phase II, which doubles facility capacity. A second expansion is planned to commence in January 2021, and a year and a half ago, The Kingfish Company began to assess the United States for a next location. In reviewing locations throughout the country, taking into account accessibility to the coast and development applicability to the area, Maine offered a unique set of benefits, including availability of coastal sites, communities with working waterfronts that share similar infrastructure needs and staff skill sets, and proximity to transport routes and markets.

Kingfish Maine was founded in 2019 with the purpose of establishing a 6000-8000 ton Yellowtail facility in the state of Maine. Development of this business not only brings innovation in RAS technology to the state but also a new, high value species which previously could only be sourced as an imported product to the US. Within the state, Kingfish Maine began working with local consulting firms and realtors to identify and visit those potential sites that met key requirements to the success of the operation. Assessments were made based on viability of success at each site.

#### *Key Site Attributes*

- **Acreage**  
RAS facilities not only require system space but also space for support functions, such as oxygen, backup power supply, and storage tanks. The primary consideration in sizing a facility is the allowance of enough system space to maintain healthy stocking densities for the fish. They then can assess the size and space required for the support functions of those systems.
- **Seawater Access**  
Access to quality seawater is the single most important requirement to the growth of quality fish. Yellowtail, while hardy, have a specific range of water quality parameters that allow the species to thrive. Access to that is critical to the success of the operation.
- **Distance to deeper water**  
The ability to draw seawater from deeper points allows for greater stability in those water quality parameters discussed above. The closer to shore this depth is reached, the less impact both the construction and ongoing operation have to the surrounding area.

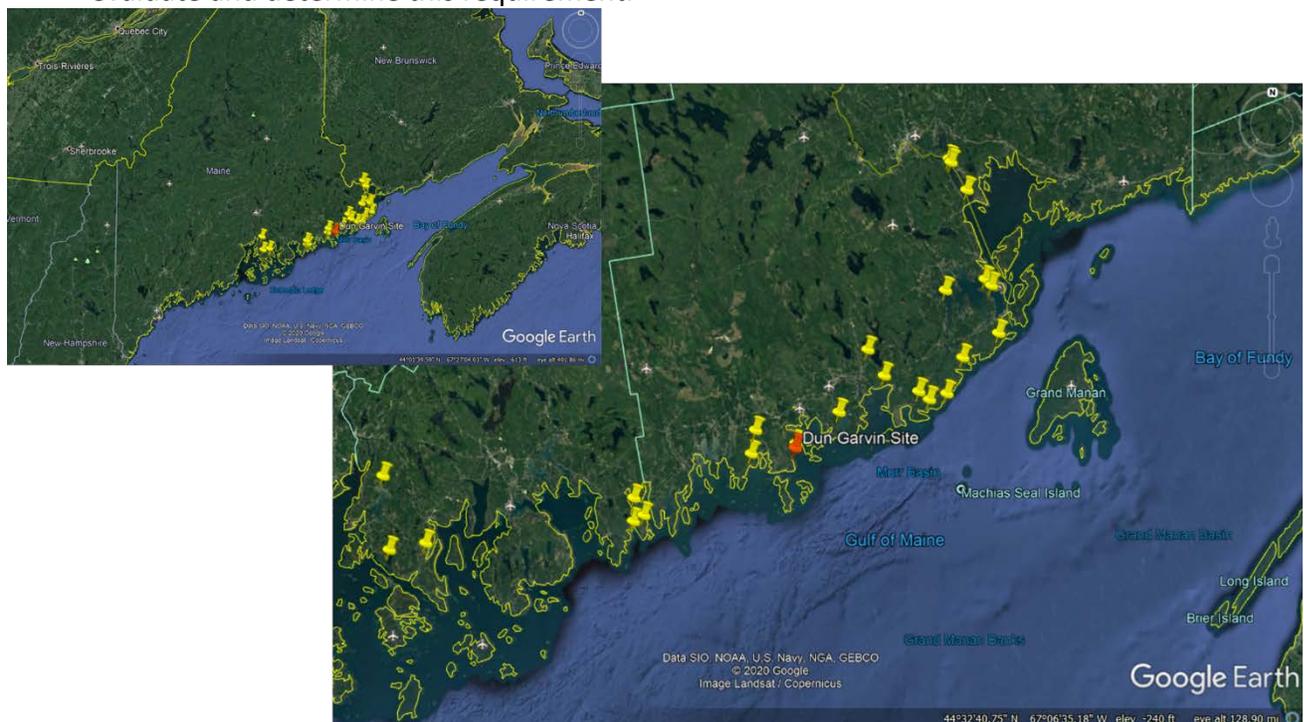
- **Power Access**

RAS facilities are heavily reliant on power. Critical to our operation is the ability to access an energy supply within a reasonable distance that provides the capacity required for the various pumps, filters, and other equipment within the farm.

The following alternatives have been considered:

1. *Utilizing, managing or expanding one or more other sites that would avoid the resource impact:*

Kingfish Maine reviewed 25 individual sites from the Penobscot area to the US-Canada border (see *Figure 1*), ranking based on the criteria above. Of those, 11 sites met the acreage required to support both the systems and support functions necessary to achieve the target production level, with only five having direct or simple easement access to seawater. Due to the critical nature of the seawater supply and understanding the need to minimize potential impacts of accessing that supply, the team determined that selection of one of those sites with proximate direct access would achieve both goals of secure supply with minimal disturbance. Evaluation of access to deeper seawater further narrowed those sites as three required significant distance (over half a mile) to reach even a minimum required depth. This minimum depth is determined by achieving stable water quality, particularly in the areas of temperature and salinity. Kingfish Maine utilized publicly available data sets from the state of Maine and NOAA monitoring stations as well as completing internal data collection at specific locations to evaluate and determine this requirement.



*Figure 1. Preliminary site review of potentially viable sites for development of Kingfish Maine.*

Kingfish Maine then proceeded to evaluate the two remaining sites for specific attributes of this development, specifically developable footprint and power supply. Kingfish Maine engaged environmental consultants to complete a wetland delineation of both parcels. From this field study, it was clear that the Jonesport site was the only one out of the two that would allow for

Kingfish Maine development (see *Figure 2*); the final remaining alternative had little area that was not classified wetland (see *Figure 3*). While there were clear advantages in accessibility of power supply to the alternative site, the comparative environmental impacts would be significantly greater. Kingfish Maine thus proceeded with advancement of due diligence on the current site in Jonesport to evaluate existing infrastructure in the area and assess various site plan configurations.

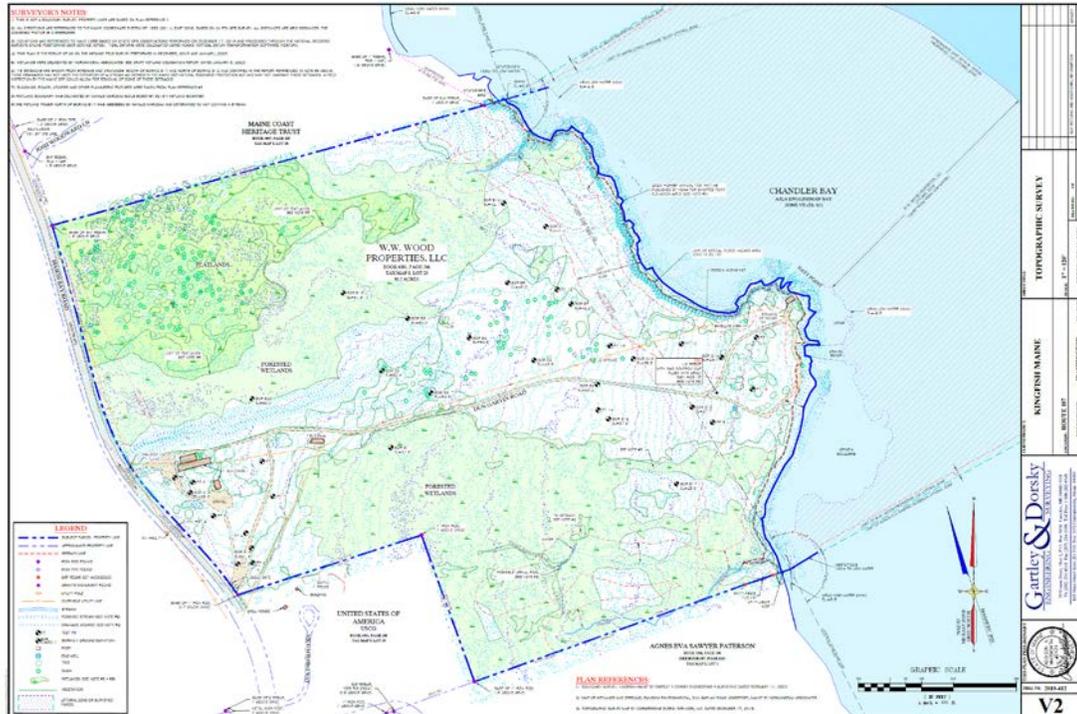


Figure 2. Wetland delineation, site location, 9 Dun Garvin Rd, Jonesport, ME.



Figure 3. Wetland delineation, alternative site location, Gouldsboro, ME.

2. *Reducing the size, scope, configuration or density of the activity as proposed:*  
The size of the proposed facility and quantity of Yellowtail is what is needed to make this a financially viable investment in Maine. The wetland and environmental impacts have been minimized as much as possible.
  
3. *Developing alternative activity designs that avoid or lessen the resource impact:* The following alternatives have been considered:  
As stated in 1 & 2 above, alternative sites were considered however they contained more wetland impacts than what is proposed in Jonesport and the size of the facility is what is needed for the proposed project to be a financially viable investment in Maine. Building and development areas have been strategically placed to minimize wetland impacts as much as feasibly possible.

***ATTACHMENT 3***

**SITE LOCATION MAP**

Attached is a site location map created by Gartley & Dorsky Engineering & Surveying.

- 1.) Site Location Map



MAP REFERENCE: USGS JONESPORT QUADRANGLE 2018

***ATTACHMENT 4*****PHOTOGRAPHS**

The attached color photographs show the areas of proposed coastal and freshwater wetland impacts.



PICTURE 1  
DATE: 12/13/20



PICTURE 2  
DATE: 1/22/20



PICTURE 3

DATE: 1/22/20



PICTURE 4

DATE: 12/13/20



PICTURE 5  
DATE: 4/21/20



PICTURE 6  
DATE: 4/21/20



PICTURE 7  
DATE: 4/21/20



PICTURE 8  
DATE: 4/21/20



PICTURE 9  
DATE: 4/21/20



PICTURE 10  
DATE: 4/21/20

**ATTACHMENT 5****SITE PLANS**

Below is a list of the attached plans:

- C0 Overall Site Plan by Gartley & Dorsky Engineering & Surveying
- C1 Site Plan by Gartley & Dorsky Engineering & Surveying
- C2 Site Plan by Gartley & Dorsky Engineering & Surveying
- C3 Site Plan by Gartley & Dorsky Engineering & Surveying

***ATTACHMENT 6*****ADDITIONAL PLANS**

Below is a list of the attached additional plans:

C-201 Plan and Profile by Woodard & Curran

C-300 Intake and Discharge Pipe Details by Woodard & Curran

EX3 NRPA Exhibit Wetlands by Gartley & Dorsky Engineering & Surveying







**ATTACHMENT 7****CONSTRUCTION PLAN AND SCHEDULE****Landside:**

Construction is anticipated to commence in Q4 2021 or Q1 of 2022. Construction time is estimated at three years for full buildout, and will extend into the subsequent growing season of spring, 2025 to establish final stabilization of disturbed areas.

**Subtidal Activity:**

Proposed construction period for the intake and discharge pipes and associated diffusers and EConcrete anchors would occur between November and April to minimize disturbance to ongoing natural processes.

Upon completion of the project, previously disturbed areas will be restored and permanently stabilized by mulch and reseeded in grassed areas and new plantings to satisfy the requirements of the erosion and sedimentation control plan.

**ATTACHMENT 8****EROSION CONTROL PLAN**

Erosion and sedimentation control measures are required for construction activity as outlined in the basic stabilization standards of Maine's Erosion and Sedimentation Control Law 38 MRSA §420-C. Erosion and sedimentation control practices during construction shall be performed as outlined in the Maine Erosion and Sediment Control Best Management Practices (BMP's) and shall be affected prior to initiating grubbing, stump removal, and earthwork. Minimum required Erosion control measures are noted in the Erosion and Sedimentation Control Plan. A continuous sediment barrier as shown on the plan will surround the construction area.

**A. Narrative:**

1. **Soil Types:** Soil data was collected from NRCS Soil Survey, the subsurface wastewater soils investigation, wetland investigation, and the geotechnical investigation, the principal overburden strata are sand with interbeds of fluvial sands in the coastal arrangement of the landform. Additionally, hydric soils are present, in areas delineated as wetlands. The upland soils in the area of development on this site are classified as sands in the Hydrologic Group A (Colton) and A/D. The measure of soil erodability, or K factor, is the susceptibility of a soil particle to detachment and transport by rainfall. Soil properties affecting K factor include texture, organic matter content, structure, and saturated hydraulic conductivity. It has been reported by NRCS that K factors for soil in Maine vary from 0.02 to 0.69. The higher the value, the more susceptible the named soil is to sheet or rill erosion by water. The K factors of the identified soils in the development area range from 0.17 to 0.2 (in the surficial layers of Colton and Kinsman) to 0.49 (in the deepest layer of the Kinsman-Wosnqueak complex) which have permissible velocities of 2 to 3 feet per second in the unvegetated state. Unvegetated conditions require stabilization and limits on duration of exposure as stipulated in the plan notes on the drawings. Permissible velocities in the vegetated state range from 4 to 4.5 feet per second.
2. **Existing erosion problems:** There are no known existing erosion problems on the site.
3. **Critical areas:** There are no steep slopes or critical areas within the proposed development area.
4. **Protected natural resources:** Adjacent wetlands are protected natural resources on the site and, beyond the limits of work, shall be protected from sedimentation. For this purpose, the perimeter sediment barrier will be double layered adjacent to PNRs.
5. **Erosion control measures:** Measures shall adhere to the DEP Best Management Practices Manual, and shall be installed prior to initiating grubbing, stump removal, and earthwork. Minimum required Erosion control measures are noted in the Erosion and Sedimentation Control Plan. A continuous sediment barrier as shown on the plan will surround the construction area. Sediment barriers adjacent to wetland edges and the shoreline shall be doubled. ECM mix berms will be preferentially used for their longevity of function. Owing to the duration of the project, locations of planned stormwater management features will be utilized for construction phase sedimentation basins. Delayed construction of stormwater measures will be implemented so that they are constructed after significant portions of their finished tributary area are stabilized.

Prepared slopes steeper than 1:3 will be treated with rolled erosion control product stabilization and anchoring using the material specified upon completion of shaping.

6. Site stabilization: See plan drawing in this submission for the limits of construction, and the location of proposed erosion control measures. Detail drawings in this submission contains construction details and notes for erosion control measures to be used.
- B. Final Stabilization Date: The project's construction operations duration is expected to be in excess of three years until final stabilization, beginning Q4, 2021 or Q1, 2022. Estimated final stabilization is Spring, 2025. As the project will be subject to winter conditions, the Erosion and Sedimentation control plan incorporates standards for late season and overwinter stabilization measures. Implementation schedule will always begin with installation of Erosion and Sedimentation Control Measures. All sediment barriers will be in place prior to any development activity and will remain in place until final stabilization.  
A designated inspector will perform weekly site inspections during the phases of the development where any area in excess of 1 acre is not stabilized and provide the Department of Environmental Protection with copies of the inspection reports with photographs.
- C. Development Plans are enclosed with the submission to depict the locations of roads, lot boundaries, buildings, parking lots, material stockpiles, existing and proposed culverts, drainage channels, catch basins, subsurface drainage pipes, stormwater measures and storm drain outfalls.
- D. Erosion and sedimentation control plans are appended for limits of construction and the location of erosion control measures, temporary structures including sedimentation basins, and slope protection. Details and specifications: Drawing appended to this section contains specifications, construction details and notes for erosion control measures to be used.  
Provisions will include sectioning the development areas, establishing sedimentation basins and concrete washout locations, permanent work limit barriers as applicable, and locations for sediment barrier and temporary mulching provisions.
- E. Disturbance limits are shown on the site plan.
- F. Drawings and specifications for temporary and permanent erosion and sedimentation control are appended. Detail sheets and specifications for stabilizing areas disturbed during construction are included.
- G. Calculations: Sediment barriers are identified based on spacing per the Erosion and Sedimentation Control Handbook for Construction: BMPs. Sediment basins are similarly sized.
- H. Winter Stabilization: Stabilization is required for the duration of earthwork activities until final stabilization, and will extend over late growing season and winter periods. Specific provisions for limiting opening new areas outside growing seasons will be implemented. Particularly to activity in non-growing season, disturbed soil areas which will not be worked for one month will be covered. Cover must be deployed over bare soil, rather than over snow cover. Preference for cover will be anchored erosion control mesh, alternatively areas can be mulched with straw at 150 to 200 pounds per 1000 square feet, and anchored with stake and twine.
- I. In-water work: Turbidity curtains will be deployed in intertidal areas during in-water work.
- J. Notice to commence. Based on the project scale and permitting requirements, the Contractor will be provided with copies of all applicable permits and conditions thereof. Contractor and owner shall report commencement and termination dates in accordance with the relevant permits.

## ***ATTACHMENT 9***

### **SITE CONDITIONS**

The project contains a combination of fields and forest. A wetland delineation report has been developed by Normandeau Associates, that addresses wetlands, streams, and vernal pools. A ROV survey report has been developed containing photos and describing coastal habitat observations at each dive location.

The property is presently unused. Existing infrastructure includes driveways, power lines, wells, and vacant structures that had supported previous activity on the property.

The property fronts on the east side of Mason Bay Road, approximately 9 miles by road south of Route 1. The property extends roughly 2,000 feet to Chandler Bay, which has a rocky and ledge bound shoreline with straight line frontage of ~4,200 feet. The property is a mix of the prior development sites, a large open maintained field, wetlands (including forested wetlands and a peatland area), and woods in rolling terrain.

The property's shoreline lies adjacent to a VE 15 floodzone, reflecting its moderate exposure to open water and wave action to the east. The shorefront is mapped as Ledge and gravel beach, and the subtidal areas are mapped as coarse-grained flats per the Maine Department of Conservation 'Coastal Marine Geologic Environments' map.

#### **9.1 Wetlands, Vernal Pools and Streams**

##### **9.1.1 Methods**

Normandeau Associates conducted wetland and stream delineations, as well as vernal pool surveys on the parcel (totaling 92 acres) on Dun Garven Road, Jonesport, Maine. See Appendix 9A for a map of the subject parcels. Review of wetlands on-site were conducted on May 6-8, and May 20-22, 2019. Review of vernal pools also took place during these surveys.

Wetland boundaries were delineated according to the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0), which utilizes the three-parameter approach (i.e., evaluating the site for the presence of hydric soils, hydrophytic vegetation and wetland hydrology) for identifying wetlands and determining their jurisdictional limits. Wetland boundaries were surveyed at the time of delineation using a Global Positioning Unit (GPS) capable of submeter accuracy. These GPS points were translated into a detailed map depicting jurisdictional boundaries using Normandeau's geographic information system (GIS) software.

Vernal pool surveys were performed using Maine Department of Inland Fisheries and Wildlife (IF&W) guidelines which call for a ground survey of all potentially impacted areas and adjacent lands. Any potential pools are visited a minimum of two times during the vernal pool survey window, which occurred from approximately late-April to late May

2019. Each potential pool was examined thoroughly for the presence of IF&W's accepted vernal pool indicators, which consist of wood frog (*Lithobates sylvaticus*), spotted salamander (*Ambystoma maculatum*), and blue-spotted salamander (*Ambystoma laterale*) egg masses, and fairy shrimp in any life stage.

Army Corps of Engineers Wetland Delineation Data sheets were completed for representative wetland types along with physical stream characteristics as applicable, and a functions and values assessment for all wetlands using the Army Corps of Engineers Highway Methodology. The wetlands were also classified by cover type according to the classification system developed by Cowardin et al. and representative photos are included in Appendix 9B.

### 9.1.2 Results

#### Palustrine Wetlands

A total of six palustrine wetlands were identified on site (see Wetland Mapping in Appendix A). These wetlands were typically dominated by woody vegetation, and most wetlands contained seasonally flooded portions. The entirety of two wetlands, JW2 and JW7, and portions of JW1 meet the NRPA criteria for WOSS, as described below. Impacts to WOSS are generally prohibited, as described in Maine Wetlands and Waterbodies Rules (Chapter 310.5.A(1)).

**Wetland JW1** is an expansive mixed-forested wetland dominated by balsam fir (*Abies balsamea*), red maple (*Acer rubrum*), and yellow birch (*Betula alleghaniensis*). This wetland is generally saturated, with small seasonally flooded areas, and has a Cowardin classification of PFO1B. Streams JS1, JS2, and JS3 run through this wetland and eventually drain into Chandler Bay. The portions of wetland JW1 that are within 25 feet of the jurisdictional segments of these streams or within 250 feet of the shoreline (mean high tideline) are considered WOSS under NRPA. This wetland provides most wetland functions (Table 1) due to its diverse habitat structure, multiple intermittent streams, and large size.

**Wetland JW2** contains a large peatland extending from Route 187 eastward through much of the interior of the wetland. The peatland portion of this wetland has a Cowardin classification of PSS1E, while the edges of the wetland are characterized as PFO1B. Dominant vegetation within the scrub shrub portions of the wetland include black spruce (*Picea mariana*) as well as several heath shrubs such as leatherleaf (*Chamaedaphne calyculata*), Labrador tea (*Rhododendron groenlandicum*), and Rhodora (*Rhododendron canadense*). The headwaters of stream JS4 are located in this wetland as well. It is suitable for most functions that are not dependent on a watercourse (Table 1), and meets the visual quality and uniqueness values on account of the raised bog, which is visible from the road. As the wetland contains a raised bog, the entirety of this wetland meets the NRPA WOSS criteria as a peatland. Online habitat mapping shows the Crowberry Blue butterfly is mapped in the peatland area. This peatland area is not part of the proposed wetland impacts and will remain undeveloped.

**Wetland JW4** is a small scrub-shrub pocket located on the north side of the main driveway. This wetland is dominated by a mix of shrubby species including meadowsweet (*Spiraea alba*), nannyberry (*Viburnum lentago*), and serviceberry (*Amalanchier* sp.). This wetland has a Cowardin classification of PSS1E. Although it is seasonally flooded it does not hold sufficient water to support vernal pool species and none were noted during vernal pool surveys. The value associated with this wetland is limited to the groundwater discharge function (Table 1), due to its small size and low diversity.

**Wetland JW5** is a small, semipermanently flooded pool with a Cowardin classification of PSS1E. This wetland is dominated by shrubs such as Bebb's willow (*Salix bebbiana*) and speckled alder (*Alnus incana*). Although this wetland contains standing water with a long retention time, thorough review during two in-season visits failed to locate any vernal pool indicator species. Although it is relatively small, the long water retention time makes this wetland suitable for several functions, including groundwater recharge, floodflow alteration, and wildlife habitat (Table 1).

**Wetland JW7** is a small forested depressional wetland with a Cowardin classification of PFO1,4B. It is fed by stream JS4, and is dominated by trees such as red spruce (*Picea rubens*), paper birch (*Betula papyrifera*), and mountain ash (*Sorbus americana*) growing on hummocks with an understory of cinnamon fern (*Osmunda cinnamomea*) and bluejoint (*Calamagrostis canadensis*) growing in low lying areas. The entirety of this wetland is within 250 feet of the shoreline and thus is considered WOSS under NRPA. Wetland JW7 functions principally for groundwater recharge and floodflow alteration due to water input from JS4, and is suitable for wildlife habitat and production export due to the presence of wildlife food plants and its connection to JW2 (Table 1).

**Wetland JW8** is a small shrub wetland separated from JW2 by a berm. The Cowardin classification is PSS1E. This wetland is dominated by meadowsweet and is seasonally flooded. Due to its small size it provides fewer functions than the adjacent wetland and is only suitable for groundwater recharge due to its restricted outlet (Table 1).

#### Estuarine/Marine Wetlands

Wetlands JW3 and JW6 are the coastal wetlands identified on site. Wetland JW3 identifies the limit of the marine wetland on shore, which is defined by the highest observable tide line. Wetland JW6 consists of a small patch of salt marsh located along the shoreline. This salt marsh is dominated by cordgrasses (*Spartina* spp.).

**Table 1. Summary of Palustrine and Estuarine Wetlands Identified on Site**

Wetland ID	Cowardin Class	Groundwater Recharge/Discharge	Floodflow Alteration	Fish/Shellfish Habitat	Sediment/Toxicant Retention	Nutrient Removal	Sediment/Shoreline Stabilization	Production Export	Wildlife Habitat	Recreation	Educate/Scientific Value	Uniqueness/Heritage	Visual Quality/Aesthetics	Endangered/Threatened Species Habitat	Wetland Description
JW1*	PFO1,4E/PS S1B	P	X	X	X	X	X	P	P	X	-	-	X	-	Large forested wetland with some shrub areas.
JW2*	PSS2,3,4E/P FO4B	P	P	-	X	X	-	P	P	-	-	X	X	-	Large raised bog and surrounding forested wetland.
JW4	PSS1E	X	-	-	-	-	-	-	-	-	-	-	-	-	Small roadside seep.
JW5	PSS1F	P	P	-	X	X	-	X	P	-	-	-	-	-	Flooded shrub swamp.
JW6	E2EM1	-	-	-	-	-	X	-	-	-	-	-	-	-	Very small patch of salt marsh, provides some shoreline stabilization
JW7*	PFO1E	P	P	-	-	-	-	X	X	-	-	-	-	-	Hummocky depression dominated by upland trees on stilted roots
JW8	PSS1E	X	-	-	-	-	-	-	-	-	-	-	-	-	Small <i>Spiraea</i> -dominated depression

\*= WOSS

Functional Assessment Qualitative Assessment Categories: P=Principal Function/Value; X=Suitable Function/Value.

Cowardin Class: PSS = Palustrine (freshwater) Scrub-Shrub; PFO = Palustrine Forested

### Vernal Pools

An initial vernal pool survey conducted on May 6-8 located areas of standing water in wetland JW1, JW2, JW5, and JW7, including one pool situated in an old logging road in wetland JW1 containing four spotted salamander egg masses. On a return visit on May 20, a total of six spotted salamander egg masses were located within that pool. This count falls well short of the 20 spotted salamander egg masses required to meet the significance threshold. Additionally, this pool is heavily modified by previous human activity and may dry prior to successful reproduction. No VP indicators were observed in any of the other areas of standing water.

### Stream and Drainages

None of the streams present on-site are depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, 15-minute series topographic map. However, parts or all of three of the four stream/drainage features (JS1, JS2, and JS4) identified on-site are subject to NRPA jurisdiction as they meet at least two of the other NRPA criteria for a “river, stream, or brook”. The fourth feature (JS3) appears to meet only one of the five NRPA criteria, and therefore does not qualify for jurisdiction. All jurisdictional stream segments within the Study Area are suitable for groundwater discharge and production export as these streams transport nutrients and water from and between the on-site wetlands as well as to Chandler Bay. The stream segments which fall under NRPA jurisdiction are depicted in Appendix A, and each feature is discussed in additional detail below.

**Stream JS1** is an intermittent drainage flowing through wetland JW1 into Chandler Bay, which meets the criteria for NRPA jurisdiction in the locations where it has sufficient flow

velocity to develop a channel. Where it has insufficient flow to develop a channel or runs subsurface, it is not subject to NRPA regulations due to the absence of a defined bed and bank. In locations with sufficient surface flow, JS1 has a scoured silt and sand bottom, and aquatic organisms were present, thus two NRPA jurisdiction criteria are met in these locations. The presence of aquatic organisms is also evidence that the stream functions as wildlife habitat.

**Stream JS2** is an intermittent drainage with a silt and sand bottom flowing through wetland JW1 into Chandler Bay. Due to the scoured mineral bottom and the presence of aquatic organisms, this stream meets sufficient criteria for jurisdiction under NRPA across its entirety.

**Stream JS3** is an intermittent drainage with a silt bottom flowing through wetland JW1 into Chandler Bay. This stream has insufficient flow velocity to develop a channel or runs subsurface and it is not subject to NRPA jurisdiction due to the absence of a defined bed and bank.

**Stream JS4** is an intermittent drainage with a bed of cobble, gravel, and sand, flowing through wetland W2 into Chandler Bay. Aquatic organisms were also observed; thus this stream meets the criteria required for jurisdiction under NRPA in its entirety.

**Table 2. NRPA criteria for drainages within the project area**

Stream/Drainage ID	Defined Bed and Bank	Blue Line on USGS Map	Continuous flow for at least 6 months*	Channel bed composed of mineral material	Aquatic Animals	Aquatic Vegetation	NRPA Jurisdiction
JS1	V	N	U	Y	Y	N	Y (in part)
JS2	Y	N	U	Y	Y	N	Y
JS3	V	N	U	Y	N	N	N (tentatively)
JS4	Y	N	U	Y	Y	N	Y

Y = yes

N = no

U = Unknown

V = Variable

### Conclusion

The project as proposed will have permanent impacts to wetlands. Jurisdictional streams will not be affected by this project and the potential vernal pool identified is heavily modified and does not meet the number of egg masses required to meet the significance threshold.

## 9.2 Wildlife Habitats

The proposed site was evaluated for wildlife habitat resources via desktop review of existing information. Appendix 9D contains a letter from Maine Department of Inland Fisheries & Wildlife stating endangered, threatened, and species of concern. This appendix also contains other Beginning with Habitat Maps. There are no anticipated significant impacts to any bat species as a result of this project. The Crowberry Blue butterfly is mapped in the peatland at the northeast corner of the property. This peatland area is not part of the proposed wetland impacts and will remain undeveloped.

**APPENDIX 9A**  
Wetland & Streams Map



# Map of Wetlands and Streams

Ransom Environmental

Dun Garvan Rd  
Jonesport, Maine



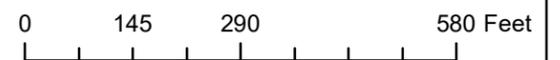
## Legend Index Map

- ACOE Data Plot
- Wetland of Special Significance
- Parcel boundary
- Non-Jurisdictional Drainage Due to Lack of Channel
- Unknown Drainage - Requires Confirmation of Continuous Flow
- Jurisdictional stream
- Vernal pool boundary
- Salt Marsh
- Marine
- Palustrine Wetland



Source:  
Aerial imagery provided by ESRI

1 inch = 246 feet



***APPENDIX 9B***

Wetland & Vernal Pool Data Forms & Photos

## WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Dun Garvan Rd City/County: Washington/Jonesport Sampling Date: 5/22/19  
 Applicant/Owner: Ransom Engineering State: ME Sampling Point: JW2-wet  
 Investigator(s): Ben Griffith Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): Concave  
 Slope (%): 0 Lat: 44.55697571 Long: -67.57503666 Datum: WGS84  
 Soil Map Unit Name: Sebago and Moosabec soils NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes _____ No _____ If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.)	

### HYDROLOGY

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>5</u> Saturation Present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>0</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:  Remarks:	

**VEGETATION – Use scientific names of plants.**

Sampling Point: JW2-wet

<u>Tree Stratum</u> (Plot size: <u>30'R</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Abies balsamea</u>	<u>20</u>	<u>Y</u>	<u>FAC</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A)  Total Number of Dominant Species Across All Strata: <u>5</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>60</u> (A/B)
2. <u>Acer rubrum</u>	<u>10</u>	<u>Y</u>	<u>FAC</u>	
3. <u>Picea rubens</u>	<u>10</u>	<u>Y</u>	<u>FACU</u>	
4. <u>Betula papyrifera</u>	<u>10</u>	<u>Y</u>	<u>FACU</u>	
5. _____				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____
6. _____				
7. _____				
_____ = Total Cover				
<u>Sapling/Shrub Stratum</u> (Plot size: <u>15'R</u> )				
1. <u>Abies balsamea</u>	<u>2</u>	<u>N</u>	<u>FAC</u>	
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
_____ = Total Cover				
<u>Herb Stratum</u> (Plot size: <u>5'R</u> )				
1. <u>Trientalis borealis</u>	<u>5</u>	<u>N</u>	<u>FAC</u>	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. <u>Cornus canadensis</u>	<u>2</u>	<u>Y</u>	<u>FAC</u>	
3. <u>Viburnum lentago</u>	<u>1</u>	<u>N</u>	<u>FAC</u>	
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
_____ = Total Cover				
<u>Woody Vine Stratum</u> (Plot size: _____ )				
1. _____				<b>Definitions of Vegetation Strata:</b>  <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.
2. _____				
3. _____				
4. _____				
_____ = Total Cover				
Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
Remarks: (Include photo numbers here or on a separate sheet.)				



**WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region**

Project/Site: Downeast Dun Garven City/County: Washington/Jonesport Sampling Date: 5/22/2019  
 Applicant/Owner: Ransom Environmental State: ME Sampling Point: JW2-UP  
 Investigator(s): Ben Griffith, Brian Emlaw Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex  
 Slope (%): 2 Lat: 44.55684844 Long: -67.57484176 Datum: WGS84  
 Soil Map Unit Name: Colton gravelly sandy loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes  No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/> Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/> If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.)	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> <u>Primary Indicators (minimum of one is required; check all that apply)</u> ___ Surface Water (A1)                      ___ Water-Stained Leaves (B9) ___ High Water Table (A2)                  ___ Aquatic Fauna (B13) ___ Saturation (A3)                            ___ Marl Deposits (B15) ___ Water Marks (B1)                         ___ Hydrogen Sulfide Odor (C1) ___ Sediment Deposits (B2)                 ___ Oxidized Rhizospheres on Living Roots (C3) ___ Drift Deposits (B3)                        ___ Presence of Reduced Iron (C4) ___ Algal Mat or Crust (B4)                   ___ Recent Iron Reduction in Tilled Soils (C6) ___ Iron Deposits (B5)                         ___ Thin Muck Surface (C7) ___ Inundation Visible on Aerial Imagery (B7)   ___ Other (Explain in Remarks) ___ Sparsely Vegetated Concave Surface (B8)	<u>Secondary Indicators (minimum of two required)</u> ___ Surface Soil Cracks (B6) ___ Drainage Patterns (B10) ___ Moss Trim Lines (B16) ___ Dry-Season Water Table (C2) ___ Crayfish Burrows (C8) ___ Saturation Visible on Aerial Imagery (C9) ___ Stunted or Stressed Plants (D1) ___ Geomorphic Position (D2) ___ Shallow Aquitard (D3) ___ Microtopographic Relief (D4) ___ FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**VEGETATION – Use scientific names of plants.**

Sampling Point: JW2-UP

	Absolute % Cover	Dominant Species?	Indicator Status		
<b>Tree Stratum</b> (Plot size: <u>30'R</u> )					
1. <u>Picea rubens</u>	<u>25</u>	<u>Y</u>	<u>FACU</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A)  Total Number of Dominant Species Across All Strata: <u>3</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B)	
2. <u>Betula payrifera</u>	<u>10</u>	<u>Y</u>	<u>FACU</u>		
3. <u>Acer rubrum</u>	<u>2</u>	<u>N</u>	<u>FAC</u>		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
6. _____	_____	_____	_____		
7. _____	_____	_____	_____		
_____ = Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____	
<b>Sapling/Shrub Stratum</b> (Plot size: <u>15'R</u> )					
1. <u>Picea rubens</u>	<u>5</u>	<u>Y</u>	<u>FACU</u>		
2. _____	_____	_____	_____		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
_____ = Total Cover					
<b>Herb Stratum</b> (Plot size: <u>5'R</u> )					
1. <u>Trientalis borealis</u>	<u>2</u>	<u>Y</u>	<u>FAC</u>	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
2. _____	_____	_____	_____		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
6. _____	_____	_____	_____		
7. _____	_____	_____	_____		
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
12. _____	_____	_____	_____		
_____ = Total Cover					
<b>Woody Vine Stratum</b> (Plot size: _____ )					
1. _____	_____	_____	_____	<b>Definitions of Vegetation Strata:</b>  <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.	
2. _____	_____	_____	_____		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
_____ = Total Cover					
				<b>Hydrophytic Vegetation Present?</b> Yes _____ No <u>X</u>	
Remarks: (Include photo numbers here or on a separate sheet.)					







# Maine State Vernal Pool Assessment Form



## 5. VERNAL POOL HABITAT INFORMATION

a. Habitat survey date (only if different from indicator survey dates on page 3):

### b. Wetland habitat characterization

■ Choose the best descriptor for the landscape setting:

- |                       |   |
|-----------------------|---|
| Isolated depression   | Pool associated with larger wetland complex |
| Floodplain depression | Other:                                      |

■ Check all wetland types that best apply to this pool:

- |                       |                          |                         |                        |
|-----------------------|--------------------------|-------------------------|------------------------|
| Forested swamp        | Wet meadow               | Slow stream             | Dug pond or borrow pit |
| Shrub swamp           | Lake or pond cove        | Floodplain              | Roadside ditch         |
| Peatland (fen or bog) | Abandoned beaver flowage | Mostly unvegetated pool | Other:                 |
| Emergent marsh        | Active beaver flowage    | ATV or skidder rut      |                        |

### c. Vernal pool status under the Natural Resources Protection Act (NRPA)

i. Pool Origin:    Natural    Natural-Modified    Unnatural    Unknown

If modified, unnatural or unknown, describe any modern or historic human impacts to the pool (**required**):

#### ii. Pool Hydrology

■ Select the pool's estimated hydroperiod AND provide rationale in box (**required**):

- |           |   |  |         |
|-----------|---|--|---------|
| Permanent | Semi-permanent<br>(drying partially in all years and completely in drought years) | Ephemeral<br>(drying out completely in most years) | Unknown |
|-----------|---|--|---------|

Explain:

■ Maximum depth at survey:    0-12" (0-1 ft.)    12-36" (1-3 ft.)    36-60" (3-5 ft.)    >60" (>5 ft.)

■ Approximate size of pool (at spring highwater): Width:                    m    ft    Length:                    m    ft

■ Predominate substrate in order of increasing hydroperiod:

- |   |   |
|---|---|
| Mineral soil (bare, leaf-litter bottom, or upland mosses present) | Organic matter (peat/muck) shallow or restricted to deepest portion |
| Mineral soil (sphagnum moss present)                              | Organic matter (peat/muck) deep and widespread                      |

■ Pool vegetation indicators in order of increasing hydroperiod (check all that apply):

- |  |  |
|--|--|
| Terrestrial nonvascular spp. (e.g. haircap moss, lycopodium spp.)                      | Wet site ferns (e.g. royal fern, marsh fern)   |
| Dry site ferns (e.g. spinulose wood fern, lady fern, bracken fern)                     | Wet site shrubs (e.g. highbush blueberry, maleberry, winterberry, mountain holly)      |
| Moist site ferns (e.g. sensitive fern, cinnamon fern, interrupted fern, New York fern) | Wet site graminoids (e.g. blue-joint grass, tussock sedge, cattail, bulrushes)         |
| Moist site vasculars (e.g. skunk cabbage, jewelweed, blue flag iris, swamp candle)     | Aquatic vascular spp. (e.g. pickerelweed, arrowhead)                                   |
| Sphagnum moss (anchored or suspended)  | Floating or submerged aquatics (e.g. water lily, water shield, pond weed, bladderwort) |
|  | No vegetation in pool  |

■ Faunal indicators (check all that apply):

- |      |                                 |        |
|------|---------------------------------|--------|
| Fish | Bullfrog or Green Frog tadpoles | Other: |
|------|---------------------------------|--------|

#### iii. Inlet/Outlet Flow Permanency

Type of inlet or outlet (a seasonal or permanent channel providing water flowing into or out of the pool):

- |                              |  |
|------------------------------|--|
| No inlet or outlet           | Permanent inlet or outlet (channel with well-defined banks and permanent flow) |
| Intermittent inlet or outlet | Other or Unknown (explain):  |



*Photo 1. Wetland JW1 from Flag 48 facing south*



*Photo 2. Wetland JW1 from flag 190 facing north*



*Photo 3. Wetland JW1 from flag U1-2*



*Photo 4. Raised bog in center of JW2*



*Photo 5. JW4 from flag 5 facing northeast*



*Photo 6. JW5 from flag 6 facing south*



*Photo 7. Pooling water in JW7*



*Photo 8. JW8 from flag 6 facing south*



*Photo 9. JS1 from flag 20 downstream*



*Photo 10. Stonefly larva in JS1*



*Photo 11. JS3 facing downstream*



*Photo 12. JS4 from flag 15 facing downstream*



*Photo 13. Stonefly larva from JS4*



*Photo 14. Spotted Salamander egg masses on May 8 in JVP1*



*Photo 15. View of VP1 looking North*

***APPENDIX 9C***  
ROV Survey Report

# ROV Survey Report

Requested by: Kingfish Maine

---

Submitted: 27 July 2020

## REPORT BY:

Elisabeth A. Maxwell  
Research Assistant  
Darling Marine Center, University of Maine  
[elisabeth.maxwell@maine.edu](mailto:elisabeth.maxwell@maine.edu)

## PROJECT SUPERVISOR:

Damian C. Brady  
Associate Professor, School of Marine Science  
Darling Marine Center, University of Maine  
[damian.brady@maine.edu](mailto:damian.brady@maine.edu)

# ROV Survey Report

## Chandler Bay, Jonesport, Maine

### Date and time of survey

The survey took place on 16 July 2020, between 11:00 and 15:30 EST.

### Method

This survey was conducted using a BlueROV2 from BlueRobotics (Torrance, California, USA). The ROV was outfitted in the heavy configuration, which includes a total of 8 thrusters for increased power and stability, and four dimmable lights with a cumulative power of 6,000 lumens. The ROV was rated to a maximum depth of 100 meters (330 feet) and a temperature range of 0-40 degrees C (32-86 degrees F). According to manufacturer specs, the maximum forward speed of the ROV under calm conditions was 3 knots. This ROV was connected to a 300 meter (980 foot) tether that is slightly positive in saltwater and has a yellow color coating for increased visibility. The onboard camera has a 110-degree horizontal field of view with a 1080p resolution at 30 frames per second. Two green lasers were mounted on the ROV frame at a distance of 30cm (11.8 inches) apart.

The survey was conducted from an anchored vessel and included a total of four dives, with each dive video individually recorded for documentation purposes (Table 1). Map of area surveyed shown in Figure 1.

**Table 1:** Coordinates, heading, dive time, and title of video file for each dive conducted.

Dive Number:	Starting Coordinates:	Avg. Heading:	Dive Time:	Video File:
1	44 33.46N, 67 33.48W	260°	42 minutes	Dive 1.mkv
2	44 33.46N, 67 33.48W	275°	21 minutes	Dive 2.mkv
3	44 33.41N, 67 33.87W	260°	37 minutes	Dive 3.mkv
4	44 33.41N, 67 33.87W	105°	32 minutes	Dive 4.mkv

### Conditions

The conditions were clear and calm (<1 foot waves) with mostly sunny skies. Low tide was predicted to occur around 14:00 (usharbors.com; Jonesport, Maine).

### Habitat observations

\*Sediment grain size descriptions based on visual observations only. Terminology follows the Wentworth Grade chart (1922).

- *Dive 1:* Observed sediments appeared to be composed primarily of pebbles and cobbles, with intermixed sand and silt, and boulders throughout (Figures 2 – 5).

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine

- *Dive 2*: Observed sediments appeared to be composed primarily of sand and silt, with some pebbles and cobbles present throughout, and occasional boulders (Figures 6 – 9).
- *Dive 3*: Observed sediments appeared to be composed primarily of sand and silt. Fewer pebbles and cobbles present in this area than previous dives. Boulders were few to rare (Figures 10 – 13).
- *Dive 4*: Observed sediments appeared to be composed primarily of pebbles, with intermixed sand and silt. Occasional cobbles and boulders present throughout (Figures 14 – 17).

Species present

Jonah crab, *Cancer borealis* (Figure 18)

American Lobster, *Homarus americanus* (Figure 19)

Green sea urchin, *Strongylocentrotus droebachiensis* (Figure 20)

Atlantic sea scallop, *Placopecten magellanicus*

Moon snail, *Lunatia spp.*, egg casing (Figure 21)

Hermit crabs

Mussel, shell remnants

Figures referenced in text



Figure 1: Dive area covered based on average heading and maximum tether length.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine

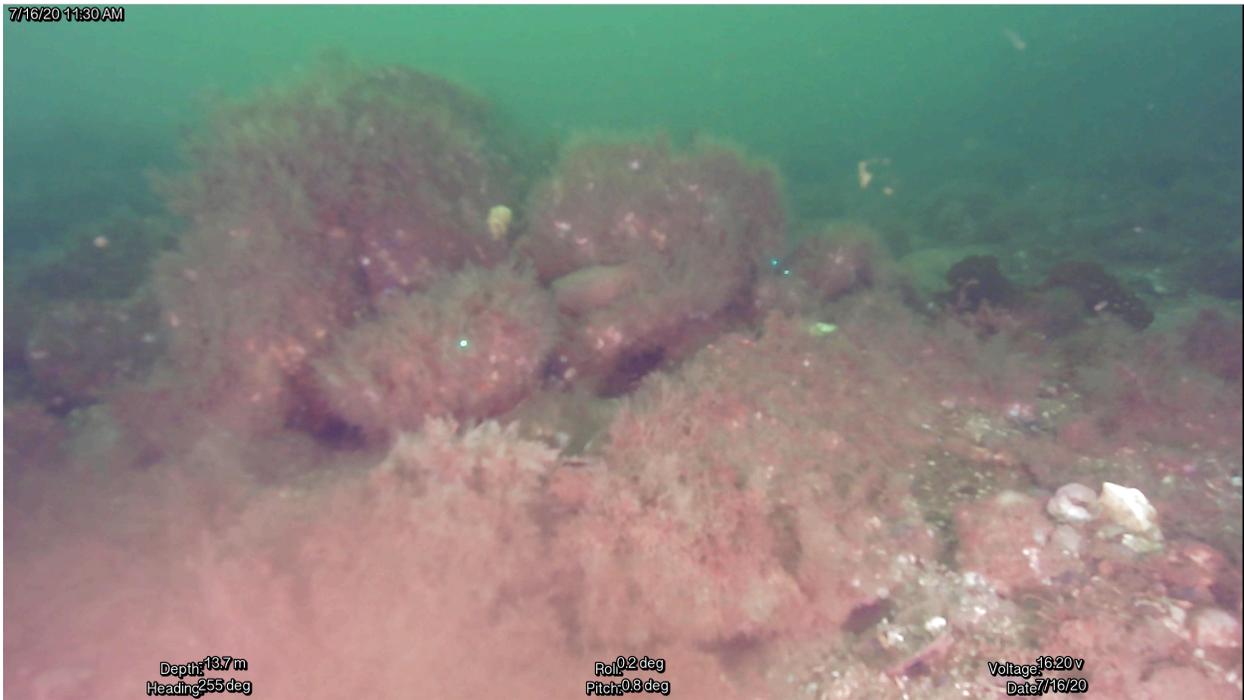


Figure 2: Dive 1. Green laser points visible.

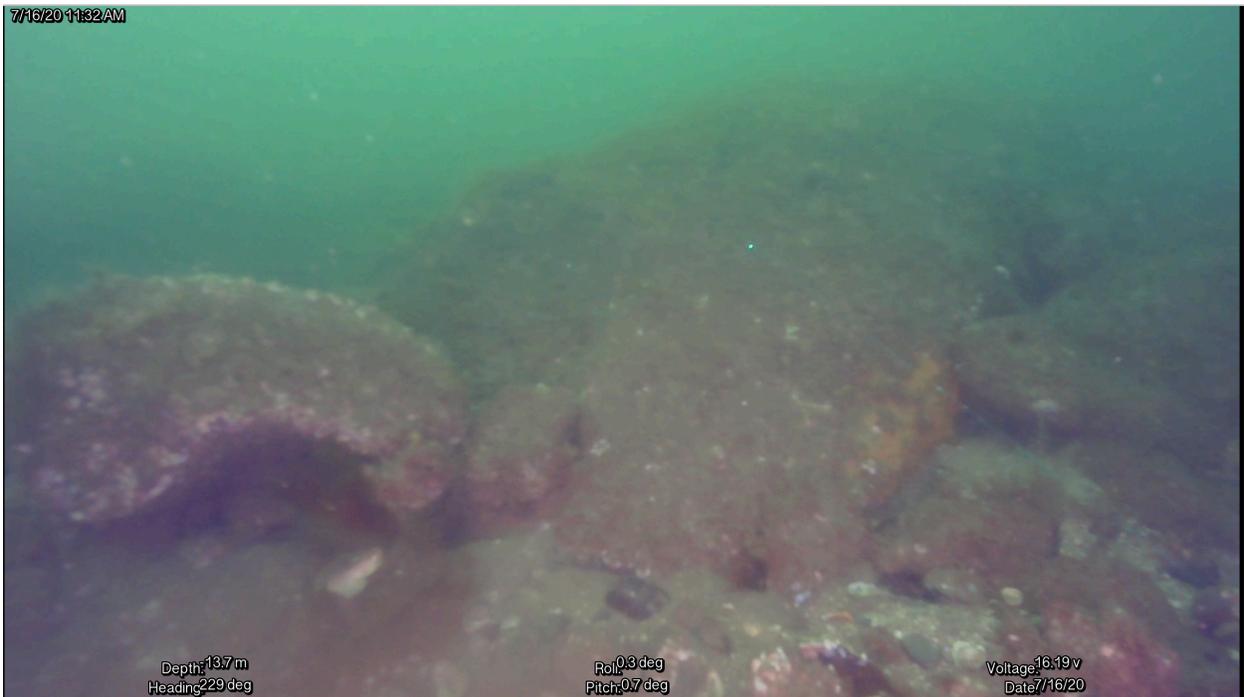


Figure 3: Dive 1. Green laser points visible.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine



Figure 4: Dive 1.



Figure 5: Dive 1.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine



Figure 6: Dive 2.



Figure 7: Dive 2. Green laser points visible.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine



Figure 8: Dive 2.



Figure 9: Dive 2.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine



Figure 10: Dive 3.



Figure 11: Dive 3.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine



Figure 12: Dive 3.



Figure 13: Dive 3.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine



Figure 14: Dive 4.



Figure 15: Dive 4.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine



Figure 16: Dive 4. Green laser points visible.



Figure 17: Dive 4.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine

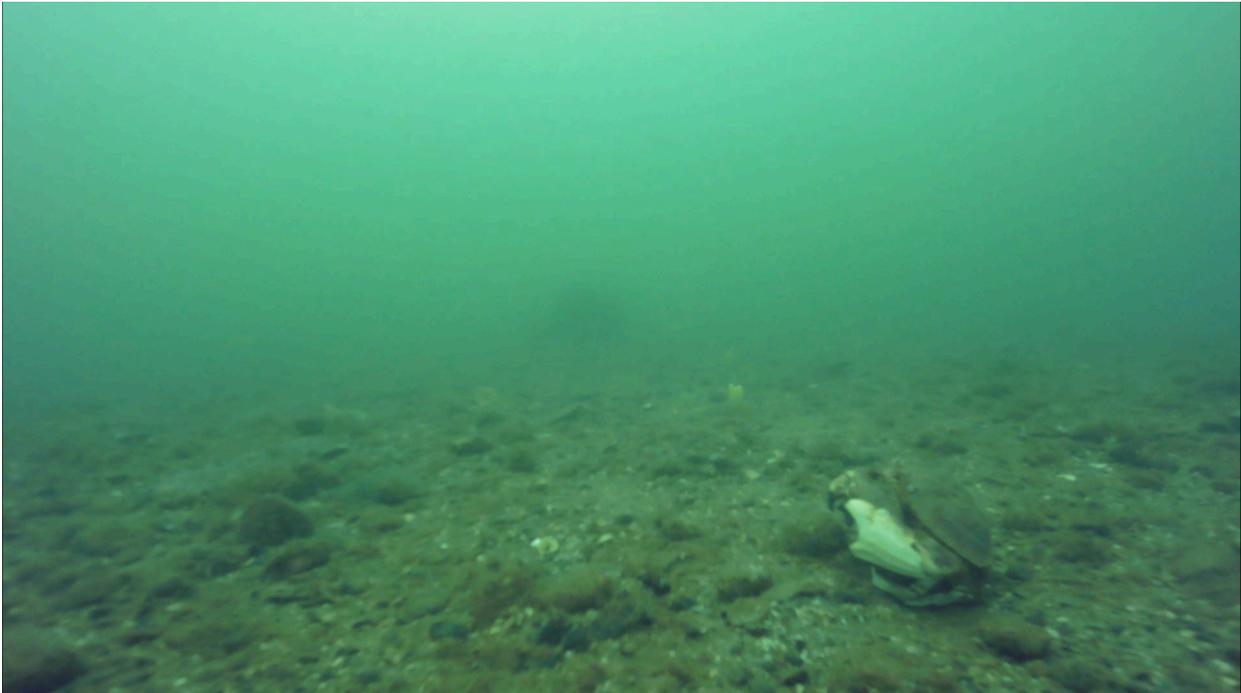


Figure 18: Jonah crab, *Cancer borealis*.



Figure 19: American Lobster, *Homarus americanus*.

**ROV Survey Report**  
Chandler Bay, Jonesport, Maine



Figure 20: Green sea urchin, *Strongylocentrotus droebachiensis*.



Figure 21: Moon snail, *Lunatia spp.*, egg casing.

***APPENDIX 9D***

MDIFW, MNAP & Habitat Maps



**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**

177 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

**JANET T. MILLS**  
GOVERNOR

**AMANDA E. BEAL**  
COMMISSIONER

July 24, 2020

Megan Sorby  
Kingfish Maine & Yellowtail Hatchery USA  
33 Salmon Farm Road  
Franklin, ME 04634

Via email: [megan@kingfish-maine.com](mailto:megan@kingfish-maine.com)

Re: Rare and exemplary botanical features in proximity to: Yellowtail Kingfish Recirculating Aquaculture Facility, Jonesport, Maine

Dear Ms. Sorby:

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files in response to your request received July 23, 2020 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Jonesport, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

**MOLLY DOCHERTY, DIRECTOR**  
MAINE NATURAL AREAS PROGRAM  
BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-804490  
WWW.MAINE.GOV/DACF/MNAP

The Maine Natural Areas Program (MNAP) is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. MNAP welcomes coordination with individuals or organizations proposing environmental alteration or conducting environmental assessments. If, however, data provided by MNAP are to be published in any form, the Program should be informed at the outset and credited as the source.

The Maine Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for two hours of our services.

Thank you for using MNAP in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristen Puryear".

Kristen Puryear | Ecologist | Maine Natural Areas Program  
207-287-8043 | [kristen.puryear@maine.gov](mailto:kristen.puryear@maine.gov)

## Rare and Exemplary Botanical Features within 4 miles of Project: Yellowtail Kingfish Recirculating Aquaculture Facility, Jonesport, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Blinks						
	SC	S2	G5	1907	11	Rocky coastal (non-forested, upland)
Blunt-leaved Bedstraw						
	PE	SX	G5	1885-06	1	Coastal non-tidal wetland (non-forested, wetland)
Coastal Plateau Bog Ecosystem						
	<null>	S3	GNR	2004-04-09	3	Coastal non-tidal wetland (non-forested, wetland)
	<null>	S3	GNR	2007	2	Coastal non-tidal wetland (non-forested, wetland)
	<null>	S3	GNR	2004-04-09	18	Coastal non-tidal wetland (non-forested, wetland)
Dawn-land sedge						
	SC	SU	G5T2T4	1999-07-07	4	Old field/roadside (non-forested, wetland or upland)
	SC	SU	G5T2T4	2013-06-27	3	Old field/roadside (non-forested, wetland or upland)
Featherfoil						
	T	S1	G4	1914-08	1	Open water (non-forested, wetland),Forested wetland
Fragrant Wood Fern						
	SC	S3	G5	1991	33	Rocky summits and outcrops (non-forested, upland),Alpine or subalpine (non-forested, upland)
Salt-hay Saltmarsh						
	<null>	S3	G5	2011-07-20	49	Tidal wetland (non-forested, wetland)
	<null>	S3	G5	2014-09-26	34	Tidal wetland (non-forested, wetland)
Swarthy Sedge						
	E	S2	G5	1997-07-30	20	Rocky coastal (non-forested, upland)

## STATE RARITY RANKS

- S1** Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
- S2** Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine (20-100 occurrences).
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.
- SU** Under consideration for assigning rarity status; more information needed on threats or distribution.
- SNR** Not yet ranked.
- SNA** Rank not applicable.
- S#?** Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).

**Note:** **State Rarity Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines State Rarity Ranks for animals.

## GLOBAL RARITY RANKS

- G1** Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.
- G2** Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- G3** Globally rare (20-100 occurrences).
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.
- GNR** Not yet ranked.

**Note:** **Global Ranks** are determined by NatureServe.

## STATE LEGAL STATUS

**Note:** State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's **Endangered and Threatened** plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

- E** ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
- T** THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.

## NON-LEGAL STATUS

- SC** SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
- PE** Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.

## ELEMENT OCCURRENCE RANKS - EO RANKS

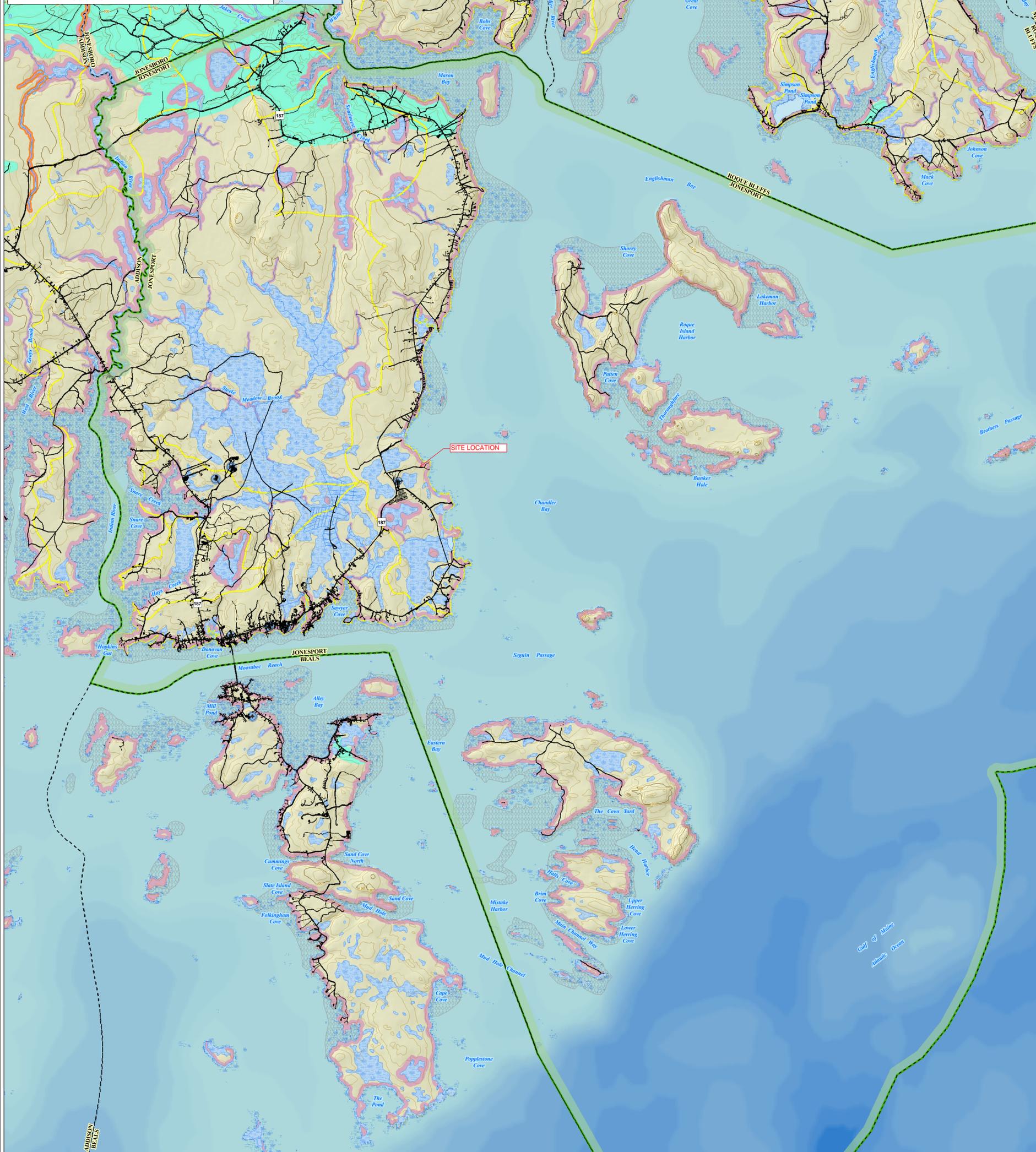
Element Occurrence ranks are used to describe the quality of a rare plant population or natural community based on three factors:

- **Size**: Size of community or population relative to other known examples in Maine. Community or population's viability, capability to maintain itself.
- **Condition**: For communities, condition includes presence of representative species, maturity of species, and evidence of human-caused disturbance. For plants, factors include species vigor and evidence of human-caused disturbance.
- **Landscape context**: Land uses and/or condition of natural communities surrounding the observed area. Ability of the observed community or population to be protected from effects of adjacent land uses.

These three factors are combined into an overall ranking of the feature of **A**, **B**, **C**, or **D**, where **A** indicates an **excellent** example of the community or population and **D** indicates a **poor** example of the community or population. A rank of **E** indicates that the community or population is **extant** but there is not enough data to assign a quality rank. The Maine Natural Areas Program tracks all occurrences of rare (S1-S3) plants and natural communities as well as A and B ranked common (S4-S5) natural communities.

**Note:** **Element Occurrence Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines Element Occurrence ranks for animals.

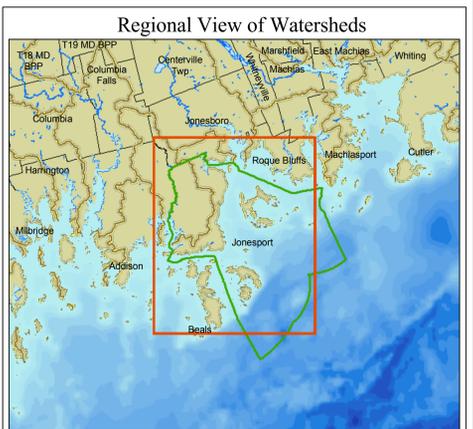
Visit our website for more information on rare, threatened, and endangered species!  
<http://www.maine.gov/dacf/mnap>



### LEGEND

This map depicts riparian areas associated with major surface water features and important public water resources. This map does not depict all streams or wetlands known to occur on the landscape and should not be used as a substitute for on the ground surveys. This map should be used as a planning reference only and is intended to illustrate the natural hydrologic connections between surface water features. Protecting riparian habitats protects water quality, maintains habitat connections, and safeguards important economic resources including recreational and commercial fisheries.

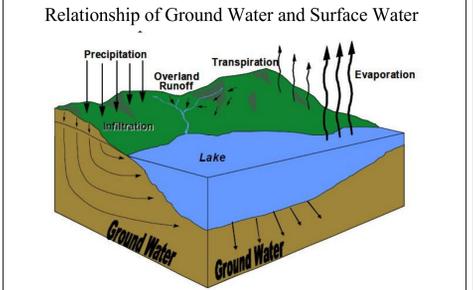
- Selected Town or Area** (Green outline)
- Organized Township Boundary** (Black dashed line)
- Unorganized Township** (Yellow dashed line)
- Developed** - Impervious surfaces including buildings and roads (Black lines)
- Drainage divides** - These are the smallest hydrologic units mapped in Maine. They contain watershed boundaries for most ponds and rivers in Maine. (Yellow lines)
- NWI Wetlands** - National Wetlands Inventory (NWI) uses aerial photographs to approximate wetland locations. NWI data is not a comprehensive mapping of wetland resources and typically under represents the presence of wetlands on the landscape. The presence of wetlands needs to be determined in the field prior to conducting activities that could result in wetland disturbance. (Blue areas)
- Riparian Habitat** - depicted using common regulatory zones including a 250-foot-wide strip around Great Ponds (ponds >10 acres), rivers, coastline, and wetlands >10 acres and a 75-foot-wide strip around streams. Riparian areas depicted on this map may already be affected by existing land uses. (Pink areas)
- Shellfish Growing Areas** - The Maine Department of Marine Resources maps growing areas for economically important shellfish resources. This map depicts softshell and hard clam resources in order to illustrate the relation of these resources to streams and shoreline areas vital to their conservation. (Pink hatched areas)
- Brook Trout Habitat** - Streams and ponds, buffered to 100 feet, where wild Brook Trout populations have been documented, or managed to enhance local fisheries. (Red hatched areas)
- Public Water Supply Wells** (Blue circle with crosshair)
- Source protection area** - Buffers that represent source water protection areas for wells and surface water intakes that serve the public water supply. Their size is proportional to population served and/or by the type of water supply system. These buffers range from 300 to 2,500 feet in radius. (Blue circles)
- Aquifers** - flow of at least 10 gallons per minute (Green areas)



A watershed includes all of the land that drains to a common waterbody. The areas within the watershed are linked ecologically by the water, sediment, nutrients, and pollutants that flow through them. For the purpose of mapping "hydrological units," watersheds are often grouped into larger drainages or divided into smaller ones depending on the map's scale. Drainage divides (shown on main map as yellow lines), are the smallest hydrological units and generally drain into small ponds, wetlands, or streams. These units are grouped into subwatersheds (HU12) and are represented on the inset map above by the yellow-brown outlines.

- Main Map Extent** (Red outline)
- Selected Town or Area** (Green outline)
- Subwatersheds** (Yellow outline)

1 inch = 5 miles



Precipitation is the source of all water. Surface water and ground water are related. Drinking water can come from either source. Ground contaminants can affect both. The relationship between ground water and surface water is part of the **hydrologic cycle**. Precipitation that falls from the atmosphere as rain or snow reaches the land surface and recharges rivers, lakes, wetlands, and other surface bodies of water directly through **overland runoff**. Surface water also seeps into the ground through **infiltration** and eventually reaches the ground water, or through **evaporation**, returns to the atmosphere. Water evaporates from leaves and stems of plants through **transpiration**.

### Shoreland Zoning

Maine's Mandatory Shoreland Zoning Act is intended to protect water quality, conserve wildlife habitat, and preserve the natural beauty of Maine's shoreline areas. Successful implementation requires local awareness of and appreciation for surface water resources and effective enforcement of setback and buffer requirements.

At a minimum, Maine's shoreland zones include all land within:

- 250 feet of the high-water line of any pond over 10 acres, any river that drains at least 25 square miles, and all tidal waters and saltwater marshes;
- 250 feet of a freshwater wetland over 10 acres (except "forested" wetlands); and
- 75 feet of a stream that is either an outlet stream of a great pond, or located below the confluence of two perennial streams as depicted on a USGS topographic map.

Shoreland zoning encourages towns to provide greater protection to their local water resources by applying shoreland zone protections to additional resource types such as smaller streams and wetlands, and rare terrestrial features. For specific guidance regarding Maine's Mandatory Shoreland Zoning Act contact the Dept. of Environmental Protection Shoreland Zoning Unit: 207-287-3901 (Augusta), 207-822-6300 (Portland), 207-941-4116 (Bangor), [www.maine.gov/dep/biwq/docstand/szpage.htm](http://www.maine.gov/dep/biwq/docstand/szpage.htm)

### Data Sources

<b>DATA SOURCE INFORMATION</b>	<b>SHELLFISH</b>
<b>TOWNSHIP BOUNDARIES</b>	Maine Department of Marine Resources; <i>softshell_clams, hard_clams</i>
<b>ROADS</b>	<b>RIPARIAN BUFFERS</b>
Maine Office of GIS (2013); <i>methp24</i>	Maine Office of GIS, Maine Natural Areas Program (2011)
Maine Office of GIS, Maine Department of Transportation (2015); <i>medotpub</i>	<b>WELLS, WELL BUFFERS</b>
<b>HYDROLOGY</b>	Maine Office of GIS, Maine Department of Human Services-Drinking Water Program (2011); <i>wells, wellbuf</i>
USGS National Hydrography Dataset (NHD)	<b>DEVELOPED</b>
Maine (2012)	Maine Office of GIS, Maine Geological Survey (2011); <i>equifer_polygons</i>
<b>DEVELOPED</b>	<b>DRAINAGE DIVIDES</b>
Maine Office of GIS, Maine Department of Inland Fisheries and Wildlife (2015); <i>imperious_change_2015</i>	Maine Office of GIS (1994); <i>medrvd</i>
<b>NATIONAL WETLANDS INVENTORY</b>	<b>BROOK TROUT HABITAT</b>
U.S. Fish & Wildlife Service (2015); <i>NWI</i>	Maine Department of Inland Fisheries & Wildlife (2011)

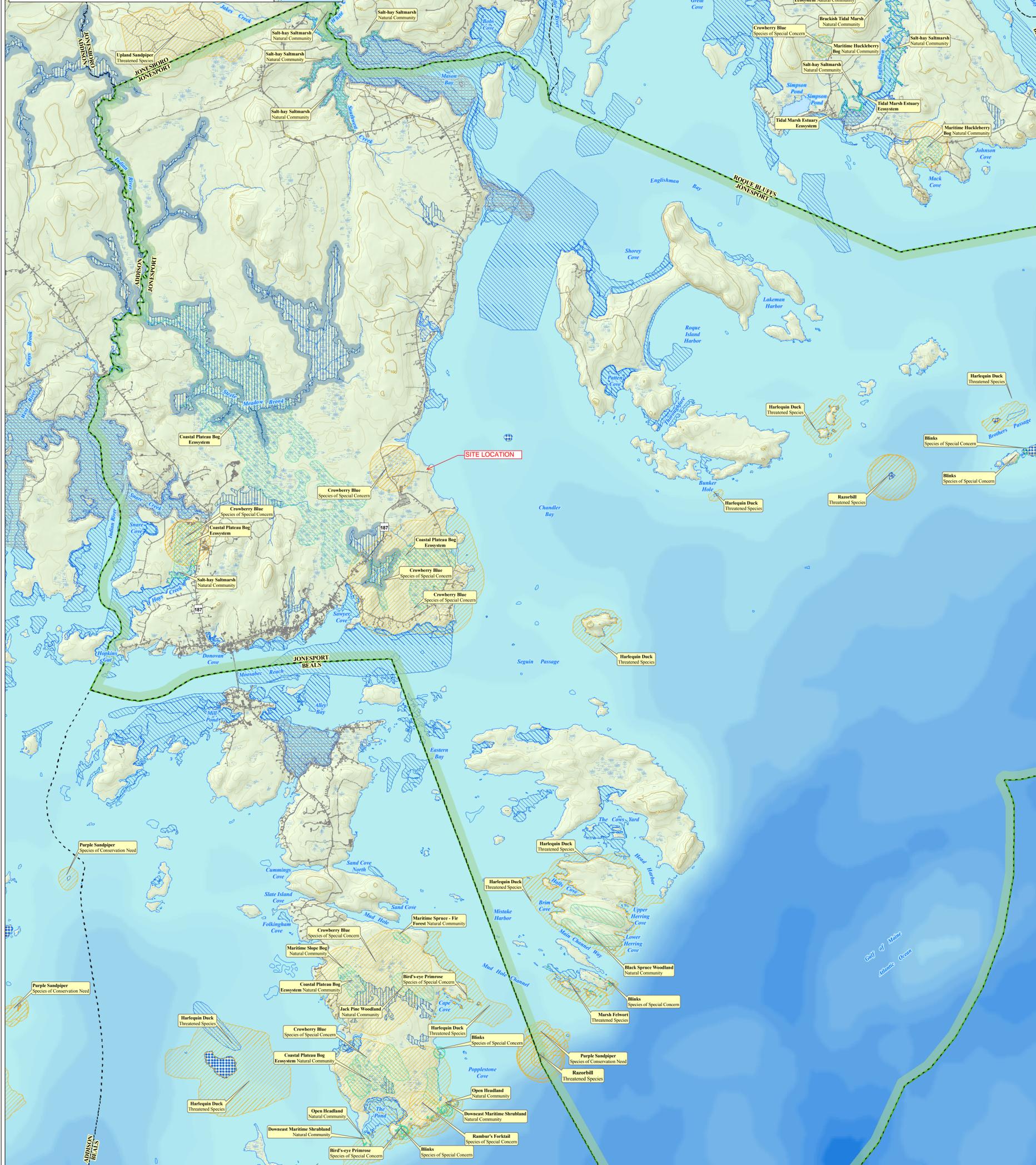
**DATA SOURCE CONTACT INFORMATION**

Maine Office of GIS: <http://www.maine.gov/gis/>  
 Maine Natural Areas Program: <http://www.maine.gov/dac/nmap/index.html>  
 Maine Department of Marine Resources: <http://www.maine.gov/dmr/>  
 Maine Department of Transportation: <http://www.maine.gov/medot/>  
 Maine Geological Survey: <http://www.maine.gov/geo/mgs/mgs.html>  
 Maine Department of Inland Fisheries & Wildlife: <http://www.maine.gov/wildlife/index.html>

**DIGITAL DATA REQUEST**

To request digital data for a town or organization, please visit our website: [http://www.beginningwithhabitat.org/the\\_map/gis\\_data\\_request.html](http://www.beginningwithhabitat.org/the_map/gis_data_request.html)

**Beginning with HABITAT**  
 An Approach to Conserving Maine's Natural Space for Plants, Animals, and People  
[www.beginningwithhabitat.org](http://www.beginningwithhabitat.org)  
**Primary Map 2**  
**High Value Plant & Animal Habitats**  
**Jonesport**  
 This map is non-regulatory and is intended for planning purposes only



**LEGEND**

Habitat (BwH) is a voluntary tool intended to assist landowners, resource managers, planners, and municipalities in identifying and making informed decisions about areas of potential natural resource concern. This data includes the best available information provided through BwH's coalition partners as of the map date, and is intended for information purposes only. It should not be interpreted as a comprehensive analysis of plant and animal occurrences or other local resources, but rather as an initial screen to flag areas where agency consultation may be appropriate. Habitat data sets are updated continuously as more accurate and current data becomes available. However, as many areas have not been completely surveyed, features may be present that are not yet mapped, and the boundaries of some depicted features may need to be revised. Local knowledge is critical in providing accurate data. If errors are noted in the current depiction of resources, please contact our office. Some habitat features depicted on this map are regulated by the State of Maine through the Maine Endangered Species Act (Essential Habitats and Threatened and Endangered Species Occurrences) and Natural Resources Protection Act (Significant Wildlife Habitat). We recommend consultation with MDIFW Regional Biologists or MMAP Ecologists if activities are proposed within resource areas depicted on this map. Consultation early in the planning process usually helps to resolve regulatory concerns and minimize agency review time. For MDIFW and MMAP contact information, visit <http://www.beginningwithhabitat.org/contacts/index.html>.

- Organized Township Boundary
- Unorganized Township
- Selected Town or Area of Interest
- Developed: Impervious surfaces such as buildings and roads

**Rare, Threatened, or Endangered Wildlife**

Known rare, threatened, or endangered species occurrence and/or the associated habitats based on species sightings.  
 Consult with an MDIFW regional biologist to determine the relative importance and conservation needs of the specific location and supporting habitat. The names of some species have been masked with a "Rare Animal" designation on the map for further protection. For more information regarding individual species visit our website, [http://www.maine.gov/ifw/wildlife/endangered/listed\\_species\\_me.htm](http://www.maine.gov/ifw/wildlife/endangered/listed_species_me.htm), for species specific fact sheets.

The Federal Endangered Species Act requires actions authorized, funded, or carried out by federal agencies be reviewed by the U. S. Fish and Wildlife Service. If your project occurs near an occurrence of the Atlantic Salmon, Roseate Tern, Piping Plover, Canada Lynx, New England Cottontail, Fubish's Lousewort, or Small-whorled Pagonia contact the Maine Field Office, USFWS, 1168 Main St., Old Town, ME 04468.

**Rare or Exemplary Plants and Natural Communities**

Rare Plant Locations  
 Known rare, threatened, or endangered plant occurrences are based on field observations. The names of some species have been masked with a "Rare Plant" designation on the map for further protection. Consult with a Maine Natural Areas Program (MNAPE) Ecologist to determine conservation needs of particular species. For more information regarding rare plants, the complete list of tracked species and fact sheets for those species can be found at: <http://www.maine.gov/oc/nr/mnap/features/plantlist.htm>

Rare or Exemplary Natural Community Locations  
 The MNAPE has classified and distinguished 98 different natural community types that collectively cover the state's landscape. These include such habitats as floodplain forests, coastal bogs, alpine summits, and many others. Each type is assigned a rarity rank of 1 (rare) through 5 (common). Mapped rare natural communities or ecosystems, or exemplary examples of common natural communities or ecosystems, are based on field surveys and aerial photo interpretation. Consult with an MNAPE Ecologist to determine conservation needs of particular communities or ecosystems.

**Essential Wildlife Habitats**

Roseate Tern Nesting Area or Piping Plover-Least Tern Nesting, Feeding, & Brood-Rearing Area

Maine's Department of Inland Fisheries & Wildlife (MDIFW, [www.state.me.us/ifw](http://www.state.me.us/ifw)) maps areas currently or historically providing habitat essential to the conservation of endangered or threatened species as directed by the Maine Endangered Species Act. Identification of Essential Habitat areas is based on species observations and confirmed habitat use. If a project occurs partly or wholly within an Essential Habitat, it must be evaluated by MDIFW before state and/or municipal permits can be approved or project activities can take place.

**Significant Wildlife Habitats**

- Candidate Deer Wintering Area  
 Forested area possibly used by deer for shelter during periods of deep snow and cold temperatures. Assessing the current value of a deer wintering area requires on-site investigation and verification by IF&W staff. Locations depicted should be considered as approximate only.
- Inland Waterfowl and Wading Bird Habitat (IWWH) with 250' Buffer  
 Freshwater breeding, migration, feeding, and wintering waterfowl or wading bird habitats that qualify as Significant Wildlife Habitat under Maine's Natural Resources Protection Act.
- Wildlife Wetlands  
 Other wetlands valuable for wildlife that are not regulated as IWWH.
- Seabird Nesting Island  
 An island, ledge, or portion thereof in tidal waters with documented, nesting seabirds or suitable nesting habitat for endangered seabirds.
- Shorebird Areas  
 Coastal staging areas that provide feeding habitat like tidal mud flats or roosting habitat like gravel bars or sand spits for migrating shorebirds
- Tidal Waterfowl and Wading Bird Habitats (TWWH)  
 Breeding, migrating/staging, or wintering areas for coastal waterfowl or breeding, feeding, loafing, migrating, or roosting areas for coastal wading birds. Tidal Waterfowl/Wading Bird habitats include aquatic beds, eelgrass, emergent wetlands, mudflats, seaweed communities, and reefs.
- Significant Vernal Pools  
 A pool depression used for breeding by amphibians and other indicator species and that portion of the critical terrestrial habitat within 250 ft of the spring or fall high water mark. A vernal pool must have the following characteristics: natural origin, nonpermanent hydroperiod, lack permanently flowing inlet or outlet, and lack predatory fish.

**Maine's Natural Resources Protection Act**

Maine's Natural Resources Protection Act (NRPA, 1988) is administered by the Maine Department of Environmental Protection (MDEP; <http://www.maine.gov/dep/blwq/docstand/nrpa.htm>) and is intended to prevent further degradation and loss of natural resources in the state, including the above Significant Wildlife Habitats that have been mapped by MDIFW. MDEP has regulatory authority over most Significant Wildlife Habitat types. The regional MDEP office should be consulted when considering a project in these areas.

**Atlantic Salmon Spawning/Rearing Habitat**

- Atlantic Salmon Rearing Habitat
- Atlantic Salmon Spawning Habitat
- Atlantic Salmon Limited Spawning Habitat

Mapped by Atlantic Salmon Commission (ASC) and US Fish & Wildlife Service (USFWS) from field surveys on selected Penobscot and Kennebec River tributaries and the Dennys, Ducktrap, East Machias, Machias, Pleasant, Narraguagus, and Sheepscot Rivers.

**Data Sources**

**DATA SOURCE INFORMATION**  
**TOWNSHIP BOUNDARIES**  
 Maine Office of GIS: Metwp24 (2019)  
**ROADS**  
 Maine Office of GIS, Maine Department of Transportation: Medotpub (2019)  
**HYDROLOGY**  
 U.S. Geological Survey National Hydrography Dataset (NHD) Maine (2012)  
**DEVELOPED**  
 Maine Office of GIS, Maine Department of Inland Fisheries and Wildlife, and multiple other agencies: Impdev (2015)  
**ESSENTIAL & SIGNIFICANT WILDLIFE HABITATS**  
 Maine Office of GIS, Maine Department of Inland Fisheries & Wildlife: DWA, ETSC, Ehp/vtrn, Eht/vtrn, IWWH, Srv, Shorebirds, TWWH (2018-2020)  
**RARE NATURAL COMMUNITIES & PLANTS**  
 Maine Natural Areas Program: MMAP\_eos (2020)  
**ATLANTIC SALMON HABITAT**  
 Maine Office of GIS, Maine Atlantic Salmon Commission, U.S. Fish & Wildlife Service: Ashab3 (2013)

**DATA SOURCE CONTACT INFORMATION**  
 Maine Office of GIS: <http://www.maine.gov/mgis/catalog/>  
 Maine Natural Areas Program: <http://www.maine.gov/dac/mnap/index.html>  
 Maine Department of Inland Fisheries & Wildlife: <http://www.maine.gov/ifw/>  
 U.S. Fish & Wildlife Service, Gulf of Maine Program: <http://gulf.maine.fws.gov/>  
 Maine Atlantic Salmon Commission: <http://www.maine.gov/asc/>  
 Maine Department of Transportation: <http://www.maine.gov/mdot/>

**DIGITAL DATA REQUEST**  
 To request digital data for a town or organization, please visit our website. [http://www.beginningwithhabitat.org/the\\_maps/gis\\_data\\_request.html](http://www.beginningwithhabitat.org/the_maps/gis_data_request.html)



1:24,000 Scale  
 Projection: UTM 19N  
 Datum: NAD 1983

Map Prepared by Maine Department of Inland Fisheries & Wildlife  
 September 2020





STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE  
284 STATE STREET  
41 STATE HOUSE STATION  
AUGUSTA ME 04333-0041



December 14, 2020

Carole Gartley  
Gartley & Dorsky  
59 Union Street, Unit 1, P.O. Box 1031  
Camden, ME 04843

**RE: Information Request – Tax Map 8 Lots 23A & 23 Project, Jonesport**

Dear Carole:

Per your request received on November 24, 2020, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns within the vicinity of the *Tax Map 8 Lots 23A & 23 Project* in Jonesport. Note that as project details are lacking, and due to the general nature and scale of the map that was provided, our comments are non-specific and should be considered preliminary.

Our Department has not mapped any Essential Habitats that would be directly affected by your project.

***Endangered, Threatened, and Special Concern Species***

Bat Species – Of the eight species of bats that occur in Maine, the three *Myotis* species are protected under Maine’s Endangered Species Act (MESA) and are afforded special protection under 12 M.R.S. §12801 - §12810. The three *Myotis* species include little brown bat (State Endangered), northern long-eared bat (State Endangered), and eastern small-footed bat (State Threatened). The five remaining bat species are listed as Special Concern: big brown bat, red bat, hoary bat, silver-haired bat, and tri-colored bat. While a comprehensive statewide inventory for bats has not been completed, based on historical evidence it is likely that several of these species occur within the project area during migration and/or the breeding season. However, our Agency does not anticipate significant impacts to any of the bat species as a result of this project.

Crowberry Blue - The Crowberry Blue butterfly is a Species of Special Concern that prefers coastal raised peatlands with abundant black crowberry (*Empetrum nigrum*). There is a documented population of this species in the peatland located in the northwest corner of this project parcel. We recommend a 250 foot no-development buffer around this black crowberry coastal bog to minimize impacts to this species. We encourage collaboration with our Department to avoid, minimize, and mitigate impacts to this rare species should any development be proposed in this area of the parcel.

***Significant Wildlife Habitat***

Significant Vernal Pools - At this time, MDIFW Significant Wildlife Habitat maps indicate no known presence of Significant Vernal Pools in the project search area; however, a comprehensive statewide inventory for Significant Vernal Pools has not been completed. Therefore, we recommend that surveys for vernal pools be conducted within the project boundary by qualified wetland scientists prior to final

project design to determine whether there are Significant Vernal Pools present in the area. These surveys should extend up to 250 feet beyond the anticipated project footprint because of potential performance standard requirements for off-site Significant Vernal Pools, assuming such pools are located on land owned or controlled by the applicant. Once surveys are completed, survey forms should be submitted to our Agency for review well before to the submission of any necessary permits. Our Department will need to review and verify any vernal pool data prior to final determination of significance.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program, Maine Department of Marine Resources, and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

A handwritten signature in black ink, appearing to read 'Becca Settele', with a stylized, cursive style.

Becca Settele  
Wildlife Biologist

612000

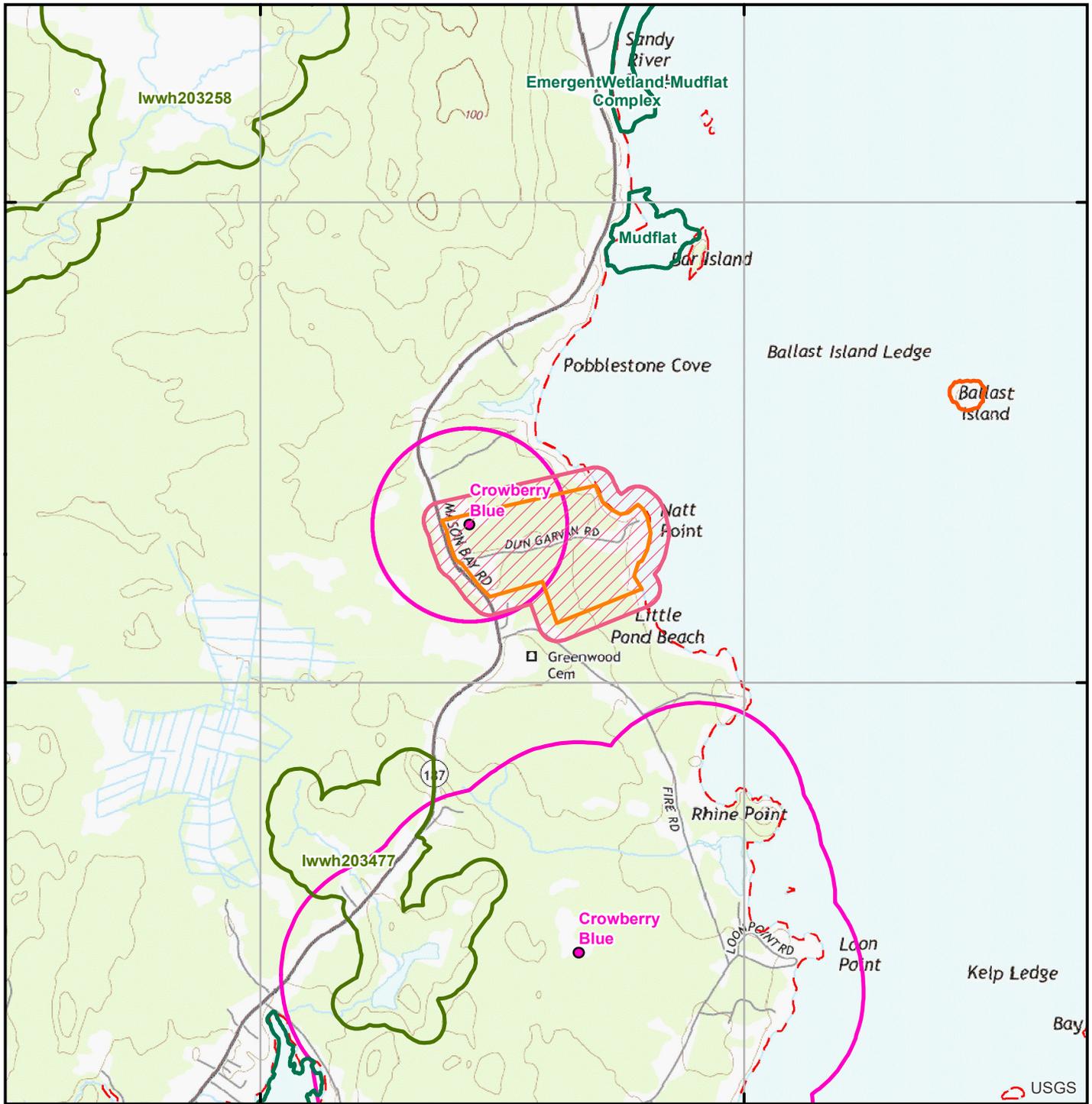
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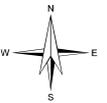
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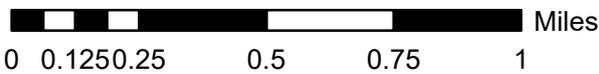


### Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name: Kingfish Maine, Jonesport (Version 2)

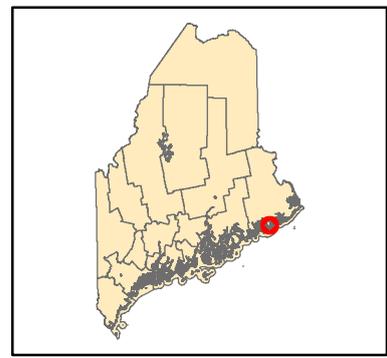


Maine Department of Inland Fisheries and Wildlife

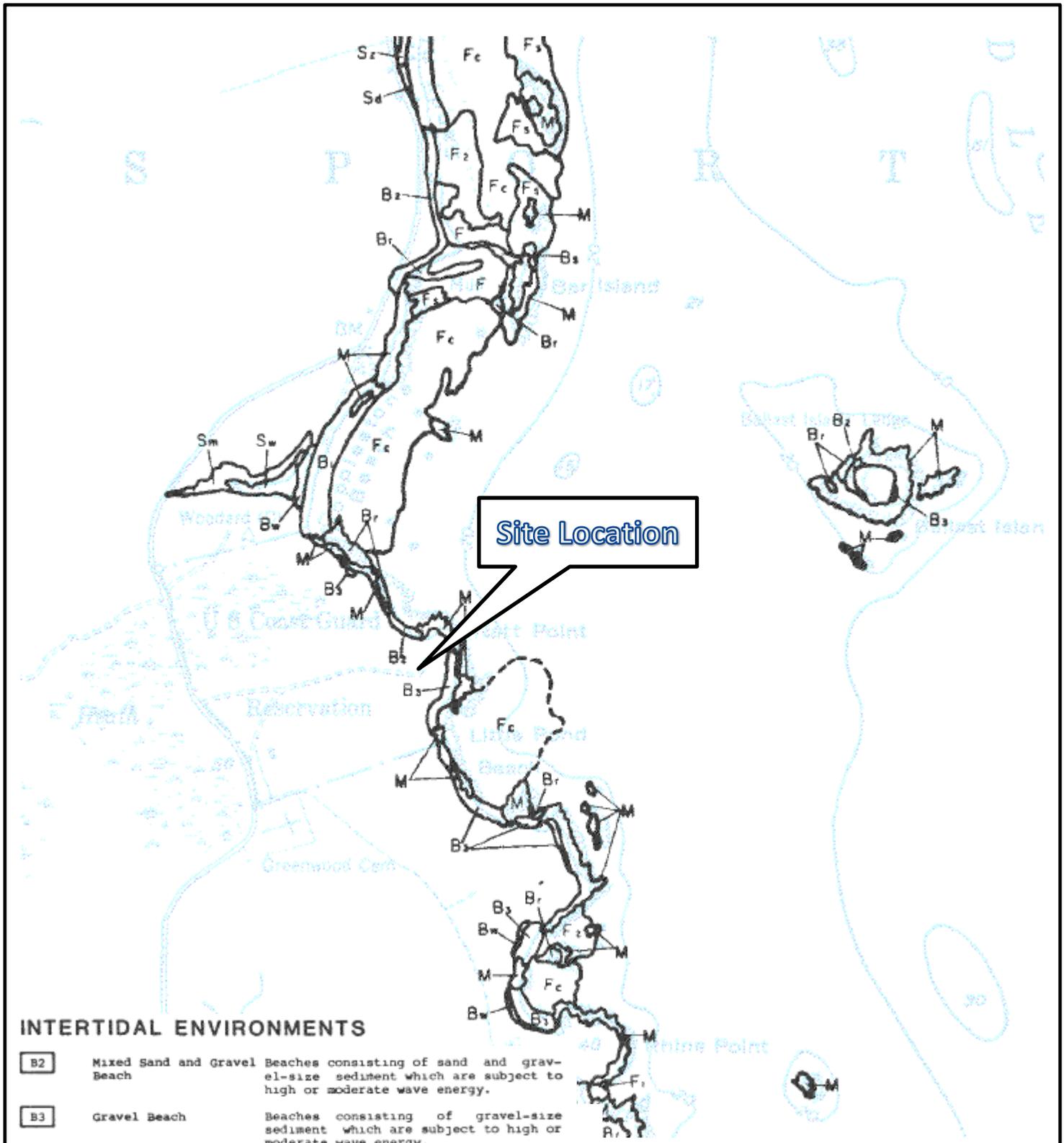


Projection: UTM, NAD83, Zone 19N

Date: 12/14/2020



***APPENDIX 9E***  
Coastal Geology & Flood Maps



**INTERTIDAL ENVIRONMENTS**

- B2** Mixed Sand and Gravel Beach  
Beaches consisting of sand and gravel-size sediment which are subject to high or moderate wave energy.
- B3** Gravel Beach  
Beaches consisting of gravel-size sediment which are subject to high or moderate wave energy.
- M** Ledge  
Subaerially or subaqueously exposed bedrock.

**SUBTIDAL ENVIRONMENTS**

- Fc** Coarse-Grained Flat  
Coarse-grained subtidal flats.

**Gartley & Dorsky**  
ENGINEERING SURVEYING  
CAMDEN, MAINE (207) 236-4365  
WWW.GARTLEYDORSKY.COM

**COASTAL MARINE GEOLOGIC ENVIRONMENTS MAP**  
**KINGFISH MAINE, INC.**  
JOANESPORT, MAINE

PROJ. NO 2019-412

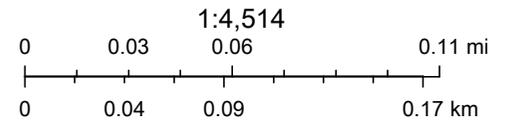
NRPA APPLICATION

# Dun Garvin Road, Jonesport



11/20/2019, 4:55:04 PM

- |                |                               |                                   |
|----------------|-------------------------------|-----------------------------------|
| Flood_Zones_Q3 | VE                            | Regulatory Floodway               |
| A              | X500                          | Special Floodway                  |
| AE             | Flood Hazard Zones            |                                   |
| AH; AO         | 1% Annual Chance Flood Hazard | Area of Undetermined Flood Hazard |



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Maine Geolibrary

**ATTACHMENT 10****NOTICE OF INTENT TO FILE**

Attached is the notice of intent to file that was forwarded to the abutters, municipal office, and local newspaper. Along with the certified mail receipts, public notice filling certification and public meeting attendance list.

Following is a list of abutting property owners:

**TARGET PROPERTY:**

Map 8, Lot 23  
W.W. Wood Properties, LLC  
PO Box 358  
Holden, ME 04429

**ABUTTERS:**


---

Map 8, Lot 26 & 27

Kent Ingves & Paula Stahl  
46 Bellevue St.  
Willimantic, CT 06226

Map 8, Lot 26 & 27

Maine Coast Heritage Trust (Easement)  
1 Bowdoin Mill Island, Suite 201  
Topsham, ME 04086

Map 8, Lot 25

Sanford E. Kelley Jr. & son have both passed.  
The notice should be sent to the address for  
New England Diversified.

Map 8, Lot 24-021

New England Diversified Industries, Inc.  
927 Mason Bay Road  
Jonesport, ME 04649

Map 8, Lot 20

US Coast Guard  
475 Kilvert St., Suite 100  
Warwick, RI 02886

Map 8, Lot 22

Worcester Peat Company  
241 Lane Road  
Deblois, ME 04622

Map 8, Lot 1

Agnes Patterson  
18 Frost Lane  
Orono, ME 04473

# NOTICE OF INTENT TO FILE

## AIR EMISSIONS, NATURAL RESOURCES PROTECTION and SITE LOCATION PERMIT APPLICATIONS

Please take note that:

**Gartley & Dorsky Engineering & Surveying**  
**59 Union St. Unit #1**  
**Camden, ME 04843**  
**(207) 236-4365**

On behalf of:

**Kingfish Maine, Inc. 33 Salmon Farm Road, Franklin, Maine**

is intending to file three permit applications with the Maine Department of Environmental Protection:

- Natural Resources Protection Act permit application, pursuant 38 M.R.S.A. Sections 480-A - 480-BB
- Site Location of Development Act permit application, pursuant 38 M.R.S.A. 481 – 490
- Air Emissions License permit application, pursuant 38 M.R.S.A. Section 590

These applications are for Kingfish Maine's land-based aquaculture project located at **9 Dun Garvin Road, Jonesport Maine.**

Kingfish Maine is owned by the Kingfish Company [Euronext: KING] which currently operates a land-based recirculating aquaculture system (RAS) in the Netherlands. Over the past 24 months, Kingfish Maine has shared the details of the proposed land-based facility through community outreach. Kingfish Maine's proposed project continues to reflect the aesthetics of the surrounding landscape with respect for preserving the character of the local community.

Kingfish Maine's application for Natural Resources Protection Act and Site Location of Development Act will be filed on or about March 19, 2021 and will be available for public inspection at DEP's Bangor office during normal business hours. The application for Air Emissions will be made available for review by contacting the Bureau of Air Quality (BAQ) DEP offices in Augusta, (207) 287-7688. Copies may also be seen at the Jonesport municipal offices at 70 Snare Creek Lane, Jonesport, ME.

Please take note that Kingfish Maine Inc. will hold a public meeting Thursday, March 18, 2021 at 6pm at the Jonesport Fire Station, 44 Main Street, Jonesport. The meeting will also be available online via Zoom at <https://us02web.zoom.us/j/86042856644> . At that time, the company will present project details pertaining to its Air Emissions, Natural Resources Protection and Site Location permit applications. Company representatives will answer

questions and provide information on further opportunities for public comment related to these applications.

Written public comments or requests for information may be made to

Natural Resources Protection Act and Site Law of Development Act applications:

Bangor, Eastern Maine Regional Office - EMRO  
106 Hogan Road, Bangor, Maine 04401  
(207)941-4570 • (888)769-1137 • FAX (207)941-458

Air Emissions License Application:

Bureau of Air Quality  
State House Station #17,  
Augusta, ME 04333  
(207)287-7688

Kingfish Maine welcomes questions and comments regarding permitting and project scope. The public can email the Kingfish Maine team at [admin@kingfish-maine.com](mailto:admin@kingfish-maine.com)

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Total Postage and Fees	\$4.15	03/05/2021

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Postage	\$0.55	
Total Postage and Fees	\$4.15	03/05/2021

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 Street and Apt. No., or PO Box No.: 411 First Lane  
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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Sent To: Worcester Peat Company  
 Street and Apt. No., or PO Box No.: 241 Lane Rd.  
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 Street and Apt. No., or PO Box No.: 201 Marsh Bay Rd.  
 City, State, ZIP+4®: Jefferston, ME 04649

7020 2450 0000 6086 7108  
 7020 2450 0000 6086 7085  
 7020 2450 0000 6086 7115

### PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

**ATTACH a list of the names and addresses of the owners of abutting property.**

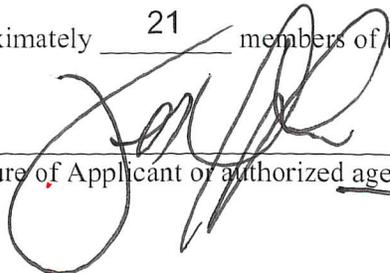
#### CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

5. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
6. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
7. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
8. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on March 18, 2021  
Date

Approximately 21 members of the public attended the Public Informational Meeting.

  
\_\_\_\_\_  
Signature of Applicant or authorized agent

3/25/21  
\_\_\_\_\_  
Date

## **Kingfish Maine**

**Public Meeting; March 18, 2021**

**Zoom & In-person meeting at Jonesport Fire Station**

### **Online**

Aaron Herzog (Jonesport resident)  
Sherry Christie (Jonesport resident)  
Dwight Alley (Jonesport selectman)  
Billy Milliken (Jonesport selectman)  
Irene Rogers (Town of Jonesport- Assistant to Board of Selectmen)  
Richard Ashiton (Science Teacher, Jonesport Beals High School)  
Doug Dodge Jr. (Roque Island)  
Darrell Richards (Roque Island)  
Ariana Fischer (Eastern Maine Conservation Initiative)  
Richard Davey (Unknown town)  
David Noyes (Nordic Aquafarms)  
Ed Cotter (Nordic Aquafarms)  
Peter DelGreco (Maine & Co.)  
2 unidentified log-ins

### **From The Kingfish Company**

Ohad Maiman, CEO  
Kees Kloet, COO  
Christo du Plessis, CFO  
Sune Moeller, Head of Construction

### **In attendance- Jonesport**

Nancy Beal (Machias Valley News Reporter)  
Jim Church (Jonesport resident)  
Julie Farris (Jonesport resident)  
Harry Fish (Jonesport selectman)  
Skip Rogers (Jonesport resident)  
Hannah Koehler (Orono resident)

### **Kingfish Maine**

Megan Sorby, Operations Manager  
Tom Sorby, Operations Manager  
Bill Lane, Gartley & Dorsky  
Dianna Fletcher, Fletcher Media  
Matthew Gilbert, Fletcher Media

**ATTACHMENT 11**

**MAINE HISTORIC PRESERVATION COMMISSION & TRIBES**

*For US Army Corps Review*

Attached is a letter from Kirk Mohny, Maine Historic Preservation Commission and a letter sent to Native American Tribes.



MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

JANET T. MILLS  
GOVERNOR

KIRK F. MOHNEY  
DIRECTOR

February 4, 2020

Mr. Tom Sorby  
Kingfish Maine  
33 Salmon Farm Road  
Franklin, ME 04634

Project: MHPC #0133-20      Kingfish Maine; 187 Mason Bay Road  
Proposed Kingfish Farm  
Town: Jonesport, ME

Dear Mr. Sorby:

In response to your recent request, I have reviewed the information received January 23, 2020 to initiate consultation on the above referenced project in accordance with the requirements of Maine Department of Environmental Protection.

Based on the information provided, I have concluded that there are no National Register listed or known eligible properties on or adjacent to the proposed project site. In addition, the parcel is not considered sensitive for archaeological resources.

Please contact Megan M. Rideout of our staff, at [megan.m.rideout@maine.gov](mailto:megan.m.rideout@maine.gov) or 207-287-2992, if we can be of further assistance in this matter.

Sincerely,

Kirk F. Mohney  
State Historic Preservation Officer

March 25, 2021

John Dennis  
Aroostook Band of Micmacs  
7 Northern Road  
Presque Isle, Maine 04769  
Via email: jdennis@micmac-nsn.gov

**Subject: Kingfish Maine, Inc.**  
**Mason Bay Road (Route 187), Jonesport, Maine**

Dear John:

Enclosed please find an application for a coastal & freshwater wetland alteration project under the Maine Department of Environmental Protection's (MDEP) Natural Resource Protection Act (NRPA). The Corps of Engineers requires the applicant to submit a copy of this application and plans to your office for review. Pursuant to the NRPA application, if you should have any comment on the application, please send all comments to me, and I will forward them to the U.S. Army Corps of Engineers.

If you have questions regarding this application, please feel free to contact me directly at (207) 236-4365.

Sincerely,  
**Gartley & Dorsky Engineering & Surveying Inc.**



Natalie Marceau, SE, SS  
Environmental Scientist

CC: Donald Soctomah, THPO, Passamaquoddy Tribe of Indians, Pleasant Point Reservation  
Isaac St. John, THPO, Houlton Band of Maliseet Indians  
Donald Soctomah, THPO, Passamaquoddy Tribe of Indians, Indian Township Reservation  
Chris Sockalexix, THPO, Cultural & Historic Preservation Program, Penobscot Nation

**ATTACHMENT 12****FUNCTIONAL ASSESSMENT**

A wetland delineation report has been developed, by Normandeau Associates, that addresses wetlands, streams, and vernal pools. A ROV survey report has been developed containing photos and describing coastal habitat observations at each dive location. Please see Attachment 9 for information on these reports.

Wetland boundaries were delineated according to the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0), which utilizes the three-parameter approach (i.e., evaluating the site for the presence of hydric soils, hydrophytic vegetation and wetland hydrology) for identifying wetlands and determining their jurisdictional limits. Wetland boundaries were surveyed at the time of delineation using a Global Positioning Unit (GPS) capable of submeter accuracy. These GPS points were translated into a detailed map depicting jurisdictional boundaries using Normandeau's geographic information system (GIS) software.

Vernal pool surveys were performed using Maine Department of Inland Fisheries and Wildlife (IF&W) guidelines which call for a ground survey of all potentially impacted areas and adjacent lands. Any potential pools are visited a minimum of two times during the vernal pool survey window, which occurred from approximately late-April to late May 2019. Each potential pool was examined thoroughly for the presence of IF&W's accepted vernal pool indicators, which consist of wood frog (*Lithobates sylvaticus*), spotted salamander (*Ambystoma maculatum*), and blue-spotted salamander (*Ambystoma laterale*) egg masses, and fairy shrimp in any life stage.

Army Corps of Engineers Wetland Delineation Data sheets were completed for representative wetland types along with physical stream characteristics as applicable, and a functions and values assessment for all wetlands using the Army Corps of Engineers Highway Methodology. The wetlands were also classified by cover type according to the classification system developed by Cowardin et al. and representative photos are included in Appendix 9B.

A summary of the Army Corps wetland function-values is in Table 1. The freshwater wetland identified as JW2 contains peatlands (see attached V2 sheet for the peatlands area). There are no proposed impacts to the peatland area. All impacts to the JW2 wetlands will be in the forested wetland area.

Table 1. Summary of Palustrine and Estuarine Wetlands Identified on Site

Wetland ID	Cowardin Class	Groundwater Recharge/Discharge	Floodflow Alteration	Fishy/Shellfish Habitat	Sediment/Toxicant Retention	Nutrient Removal	Sediment/Shoreline Stabilization	Production Export	Wildlife Habitat	Recreation	Educate/Scientific Value	Uniqueness/Heritage	Visual Quality/Aesthetics	Endangered/Threatened Species Habitat	Wetland Description
JW1*	PFO1,4E/PS S1B	P	X	X	X	X	X	P	P	X	-	-	X	-	Large forested wetland with some shrub areas.
JW2*	PSS2,3,4E/P FO4B	P	P	-	X	X	-	P	P	-	-	X	X	-	Large raised bog and surrounding forested wetland.
JW4	PSS1E	X	-	-	-	-	-	-	-	-	-	-	-	-	Small roadside seep.
JW5	PSS1F	P	P	-	X	X	-	X	P	-	-	-	-	-	Flooded shrub swamp.
JW6	E2EM1	-	-	-	-	-	X	-	-	-	-	-	-	-	Very small patch of salt marsh, provides some shoreline stabilization
JW7*	PFO1E	P	P	-	-	-	-	X	X	-	-	-	-	-	Hummocky depression dominated by upland trees on stilted roots
JW8	PSS1E	X	-	-	-	-	-	-	-	-	-	-	-	-	Small <i>Spiraea</i> -dominated depression

\*= WOSS

Functional Assessment Qualitative Assessment Categories: P=Principal Function/Value; X=Suitable Function/Value.

Cowardin Class: PSS = Palustrine (freshwater) Scrub-Shrub; PFO = Palustrine Forested

Results of ROV Data Collection

A summary of the effluent treatment and modelling work is detailed in the attached report, including consideration of alternatives for location of pipe terminus. The selected location and length of pipeline provide not only for the protection of the existing water quality in Chandler Bay but also minimizing the footprint of the pipeline to reduce habitat disturbance.

The ROV survey revealed a fairly homogenous bottom and habitat in Chandler Bay. Visual assessment of sediment grain size utilizing Wentworth Grade chart (1922) indicated across the dives a presence of pebbles and cobbles mixed with sand and silt. Occasional boulders were present throughout. See Figure 1 below showing representative images.





Figure 1. Representative images from ROV Survey of Chandler Bay, July 2020.

Vegetation and animal species present were limited. No eelgrass areas were observed in proximity to the proposed pipe route nor within the boundaries of the littoral zone of the selected property. Pebbles, cobbles, and boulders demonstrated some corraline algae. Animal species observed included Jonah crab, *Cancer borealis*, American Lobster, *Homarus americanus*, Green sea urchin, *Strongylocentrotus droebachiensis*, Atlantic sea scallop, *Placopecten magellanicus*, Moon snail, *Lunatia spp.*, egg casing, Hermit crabs, and Mussel shell remnants; although occurrence of each of these were a singular individual or sparse number throughout the survey.

Observations from the ROV survey did not demonstrate significant environmental benefit to locating the pipe route elsewhere in Chandler Bay. This, coupled with additional data from current modelling and bathymetry, indicate that less mixing of effluent would be achieved with location of the pipelines further north or south.

## ATTACHMENT 13

### COMPENSATION

Kingfish Maine, Inc. has minimized natural resource impacts as much as possible however is prepared to pay into the In Lieu Fee Compensation program for all proposed freshwater wetland impacts. The In Lieu Fee has been calculated for Significant Freshwater Wetlands (North): ±64,004 SF and Freshwater Wetlands (South): ±197,192 SF.

All coastal wetland impacts in connection to the proposed intake and discharge pipes are proposed to be calculated as temporary impacts because the surface of the buried pipes will be restored to natural conditions and the anchors for the pipes will be constructed with EConcrete (described below).

Both intake and discharge pipes will be buried in a horizontal configuration to mean low water, at which point, the four pipes will transition to run in concrete collars along the seafloor. This configuration allows for slight suspension of the pipes above the substrate to minimize contact with the bottom as well as maintain a low profile to minimize potential issues with fishing gear.

Laying these pipes in Chandler Bay presents an opportunity to add structure and diversity to the bottom characteristics in Chandler Bay. Kingfish Maine is proposing to work with a group, EConcrete, to incorporate their bio enhancing admix into the concrete utilized in the anchoring and armoring structures as well as a unique concrete form to encourage biogenic growth.



*Figure 1. Comparison of EConcrete panels and control concrete panels placed in a seawall installation in Israel and monitored over 2, 7, 12, 18, and 22 months post deployment, left to right.*

This company has a proven track record globally; incorporation of their admix and forms in projects has shown to increase species richness and taxa assemblage on structures twofold through combatting the typical issues observed in subaquatic construction: high or steep inclination, low form complexity, and high surface homogeneity (Figure 1). In projects from Haifa to the Washington state, incorporation of EConcrete's material and structures has resulted in designs that add diversity of habitat through varying texture, interstitial spaces, grain sizes, and elevations; monitoring programs set up for durations of up to five years post construction show improved recruitment quantity and complexity. Most applicable, EConcrete was part of the team executing the Living Breakwaters Project in New York's Raritan Bay, a project post-hurricane sandy set to reduce wave energy and shoreline erosion while creating structured marine habitat. The bay mostly consisted of sand and gravel bottom before the project;

although historically, complex hard structure had been more prevalent. The project had the potential impact of 11.4 acres of bottom habitat; through the incorporation of EConcrete's armor units as the "building blocks" of the ridge, the state's record of decision and findings indicated that the establishment of this shore protection measure "would increase habitat diversity through the establishment of structural habitat, which is currently limited in Raritan Bay". As a result, the only habitat area deemed altered or lost was that which rose above mean high water, approximately 3.6 acres (See Attachment C, Summary of findings specifically related to the coastal wetlands impacts).

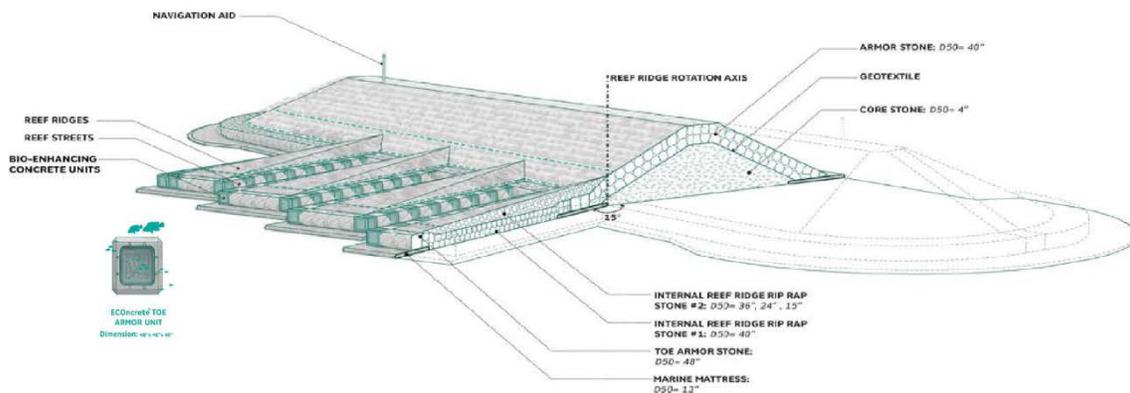


Figure 2. Schematic of Living Breakwaters Project, Raritan Bay, New York

Through the incorporation of an anchoring for our pipes using EConcrete's design strategy, Kingfish Maine's intake and discharge pipes can provide similar habitat benefit to Chandler Bay. The ultimate design of the forms for the ballast anchors and their placement will be specific to the most favorable orientation along the determined pipeline route. Small elevation of the pipes off the seafloor will allow for natural processes and animal passage; reduced inclination at anchor points will also allow for passage over the pipes. Interstitial spaces and varied texture will encourage recruitment and diversity as well as provide variety to an otherwise homogeneous habitat area. In addition, this enhanced biogenic growth has proven to improve structural integrity and reduce magnitude and frequency of structural maintenance. Maximum projected footprint of anchors contacting the seafloor would be approximately 6,615 square feet for the entire pipe route. Proposed construction period would occur between November and April to minimize disturbance to ongoing natural processes. Based on precedent of incorporation of this technology in other similar projects, Kingfish Maine would propose to establish a monitoring program in order to support a recommendation that this portion of the Kingfish Maine development, the pipeline and anchoring, be considered self-mitigation. This monitoring program would establish a regular schedule of surveying post development; this would be performed in conjunction with regular inspection and maintenance scheduled. Control structures could also be placed for comparison of recruitment success. Surveys would assess use of anchoring structures and benthic area around the pipes by target species groups, fish, and benthic organisms.

**APPENDIX 13A**  
EConcrete Block Information

## ECO ARMOR BLOCK

Armoring units are modular building blocks of marine infrastructure, which provide coastal defense against hydrodynamic forces.

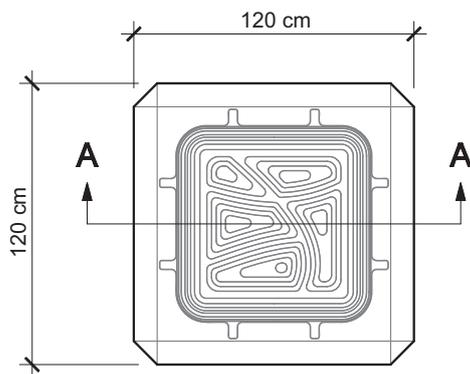
ECOConcrete® ecological armoring units comply with the formal requirements for coastal and marine construction and additionally create marine habitats, encourage growth of marine flora and fauna, increase species richness, reduce the influence of invasive species and enhance biodiversity.



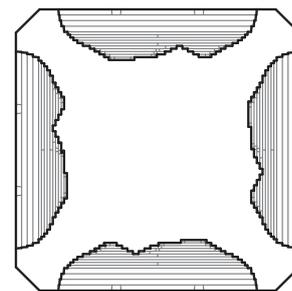
Unit Length (cm)	Unit Width (cm)	Unit Height (cm)	Volume (Liters)	Weight (Kg)
120 (47")	120 (47")	120 (47")	1053 (2586 yd³)	2530 (5575 lbs)

ECOConcrete® Armoring Unit's dimensions can be fitted to specific project requirements.

The specific concrete matrix used for the casting is defined according to the project's distinct constructive and biological requirements.



SECTION AA



The design of ECOConcrete® units allows them to receive various add-on elements for targeted enhancement.

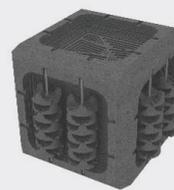
**Fish Hubs**



**Oyster Shell**



**Oyster Hatchery Unit**

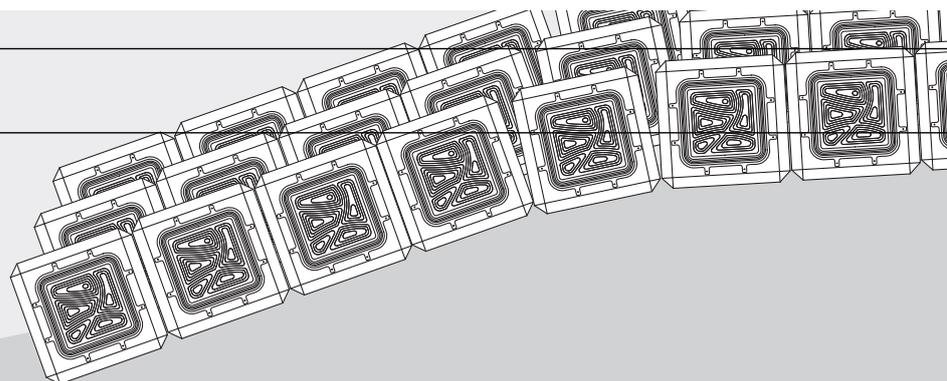


**Tidal Planter**



MHHW

MLLW



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