

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES

Acadia Aqua Farms, LLC.

Aquaculture Lease Renewal Application

FLAN WN

Bottom culture of blue sea mussels

Flanders Bay, Sorrento

December 18, 2018

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

Acadia Aqua Farms, LLC. applied to the Department to renew the aquaculture lease FLAN WN for a period of ten years to September 15, 2027. The 14.3-acre lease is issued for bottom culture of blue sea mussels (*Mytilus edulis*) located in the Waukeag Neck, Flanders Bay, Sorrento, Hancock County, Maine. This lease was initially issued on September 16, 1997. The lease was transferred from Great Eastern Mussel Farms to Acadia Aqua Farms, LLC on August 14, 2009.

1. PROCEDURE

Notice of the application for lease renewal and the 30-day public comment period and opportunity to request a public hearing was published in the *Ellsworth American* on August 9, 2018 and August 30, 2018 and in the September edition of *Commercial Fisheries News*. Personal notice was given to the municipality and to riparian landowners within 1,000 feet of the lease site. No comments and no requests for a hearing on this application were received by the Department during the comment period.

2. STATUTORY CRITERIA

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

A. Compliance with lease

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

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

B. Best interest of the State of Maine

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

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

C. Aggregate lease holdings

According to DMR records, the lessee holds the following leases: EAST HP (40.45 acres), EAST OP2 (31.62 acres), FREN BI (32.33 acres), and PEN SN3 (38 acres). The total acreage of these leases is 142.4.

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

D. Speculative purposes

Rule 2.45(3)(B) provides that in determining whether a renewal is being conducted for speculative purposes, the Department must consider “whether the current lessee has conducted substantially no research or aquaculture in the lease areas during the previous lease term.” It is clear from annual reports filed with DMR by the lessee and by the statement of the lessee on the renewal application that aquaculture has been conducted on this lease site.

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

3. LEASE CONDITIONS

The following conditions were applied to the lease by the original decision: Conditions imposed on this lease by the decision dated August 14, 2009 and incorporated in the renewal decision dated September 16, 1997, include the following:”]

- (1) Fishing for lobster, crab, pogies, and herring, as well recreational fishing, are allowed on the lease;
- (2) The riparian landowners are to be allowed boat moorings as designated by the local Harbormaster;

- (3) Seeding and dragging activities are restricted to between the hours of 6:00 a.m. and 6:00 p.m. throughout the year;
- (4) The lease area shall be marked in accordance with U.S. Coast Guard and Department of Marine Resources Regulations Chapter 2.80; and
- (5) Dragging on the lease site without prior authorization from the leaseholder is prohibited.
- (6) Other public uses that are not inconsistent with the purposes of the lease are permitted within the lease boundaries.

4. DECISION

The Commissioner of Marine Resources grants the application of Acadia Aqua Farms, LLC. to renew aquaculture lease FLAN WN for a period of ten years, to September 15, 2027. The renewed lease is subject to the same terms, conditions, and obligations as set forth in the original lease, except as modified by this decision.

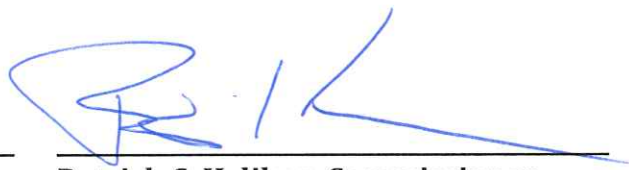
5. REVOCAION OF LEASE

The Commissioner may commence revocation procedures upon determining pursuant to 12 M.R.S. §6072 (11) and DMR Rule Chapter 2.42 that no substantial aquaculture has been conducted within the preceding year, that the lease activities are substantially injurious to marine organisms, or that any of the conditions of the lease or any applicable laws or regulations have been violated.

6. DATE AND SIGNATURE

Dated: _____

12/18/18



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