

STATE OF MAINE

Glidden Point Oyster Co., Inc.

DEPARTMENT OF MARINE RESOURCES

Aquaculture Lease Renewal Application

DAM JP2

Bottom culture of American/eastern oysters,
Northern/hard clams/Quahogs, soft clams,
Damariscotta River, Newcastle, ME

December 18, 2018

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

Glidden Point Oyster Co., Inc. applied to the Department to renew the aquaculture lease DAM JP2 for a period of twenty years to June 8, 2038. The 7.75-acre lease is issued for bottom culture of American/eastern oysters (*Crassostrea virginica*), Northern/hard clams/Quahogs (*Mercenaria mercenaria*), soft clams (*Mya arenaria*), located in the Damariscotta River, Newcastle, Lincoln County, Maine, this lease was initially issued on June 12, 2008.

1. PROCEDURE

Notice of the application for lease renewal and the 30-day public comment period and opportunity to request a public hearing was published in the *Lincoln County News* on 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 discloses that all annual reports have been filed, the rent is paid to date, the bond is current, and the site has passed inspection by DMR Marine Patrol. There are no outstanding complaints regarding this lease.

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

B. Best interest of the State of Maine

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

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

C. Aggregate lease holdings

According to DMR records, the lessee holds the following leases: DAM DL2 (8.22 acres), DAM JP (2.29 acres), DAM JP2 (7.75 acres, and DMA WP (10.54 acres). The total acreage is 28.8.

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.

A. Lease Conditions

The following conditions were applied to the lease by the original decision:

1. The lease site must be marked in accordance with both U.S. Coast Guard requirements and DMR Rule 2.80.
2. Dragging and shellfish harvesting by anyone other than the leaseholder are prohibited on the site.
3. Dragging by the leaseholder is limited to 3 days per week, Sunday through Saturday.
4. Fishing for finfish with hand lines and rods and reels is permitted, provided it does not interfere with harvesting activities on the site.
5. The lessee may, with the written approval of the Department, vary from these specifications and conditions provided the Department determines that such operation pursuant to the variance would continue to satisfy all lease decision criteria. The Department’s decision whether to approve a variance request is discretionary.
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 Glidden Point Oyster Co. Inc., to renew aquaculture lease DAM JP2 for a period of twenty years, to June 8, 2038. 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: December 18, 2018 
**Patrick C. Keliher, Commissioner,
Department of Marine Resources**