

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

IN THE MATTER OF THE APPLICATION OF)	
GREAT EASTERN MUSSEL FARMS, INC. FOR)	
RENEWAL OF AN AQUACULTURE LEASE)	
LOCATED NEAR WAUKEAG NECK,)	
FLANDERS BAY, IN SORRENTO, HANCOCK)	
COUNTY, MAINE)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On February 2, 2007, Great Eastern Mussel, Inc. applied for the renewal of an aquaculture lease initially issued on September 16, 1997. The applicant requested a ten-year renewal, to September 15, 2017, of a 14.3-acre bottom culture lease located near Waukeag neck, Flanders Bay, Sorrento, Hancock County, Maine.

Notice of the application for lease renewal was published in the June 2007 issue of Commercial Fisheries News and the May 24, 2007 and June 7, 2007 issues of The Ellsworth American. Members of the public, riparians and interested persons were given to June 25, 2007 to submit comments or to request a hearing on the application for lease renewal. One comment and no requests for a hearing on this application were received by the Department during the comment period.

The one commenter, a riparian landowner, objected to the renewal by stating that the operation is noisy and the draggers are out early, a belief that the dragging activity has increased red tide in the area, and that the operation has “curbed” the activity of seals, eagles and ospreys, and has reduced the natural beauty of the area. The commenter identified an increase in activity at the site over the last two years. The commenter did not identify any specific conflicts with public uses, nor were the alleged impacts on marine and upland wildlife specifically described, except for the general allegations about seals, eagles, and ospreys. No comments were received from any resource agencies regarding this or any other issue, and the area is not designated as an essential habitat, according to online maps of the Department of Inland Fisheries and Wildlife

According to the Biotxin Monitoring staff of the Department of Marine Resources, there can be a risk of transporting *Alexandrium*, the “red tide” organism, from heavily infected areas to uninfected areas through the movement of mussel seed. These risks can be addressed through timing of the movement of the seed and pre-movement testing.¹ However, this is a statewide issue that will be addressed through rulemaking as necessary, instead of placing conditions on individual leases. Thus, it does not appear that the lease activities are unreasonably interfering with the surrounding marine and upland habitat or with the local flora and fauna.

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

The applicant has complied with the lease agreement during its term. In determining whether it is in the best interest of the state to renew the lease, the Department considers, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest. There are no known conflicts with other new or existing uses of the area. Renewal of this lease will not cause the applicant’s leased acreage to exceed 1,000 acres.

In determining whether the lease is being held for speculative purposes, the Department considers whether substantially no aquaculture or research has been conducted on the lease

¹ Pers. Comm. Darcie Couture to Samantha Horn Olsen, both Maine Department of Marine Resources staff
10/24/2007

site. The applicant has conducted aquaculture on the lease site during its term. Therefore, I find that the lease is not being held for speculative purposes.

Decision

The Commissioner of Marine Resources grants the application of Great Eastern Mussel Farms, Inc. for renewal of the 14.3-acre aquaculture lease located near Waukeag Neck, Flanders Bay, Sorrento, Hancock County, Maine, for a period of ten years, to September 15, 2017. In the renewal of this lease, Great Eastern Mussel Farms, Inc. is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources