

Final App Received: 06.29.21

Revised Final App: 09.30.21

Deemed Complete: 10.07.21

STANDARD LEASE APPLICATION: NON-DISCHARGE**1. APPLICANT CONTACT INFORMATION**

Applicant	Robert E. Brewer		
Contact Person	Marsden Brewer		
Address	140 Stanleyfield Dr.		
City	Deer Isle Me.		
State, Zip	Me. 04627		
County	Hancock		
Telephone	348-3139		
Email	Marsden-Brewer@yahoo.com		
Type of Application	<input checked="" type="checkbox"/> Draft Application [submitted before scoping session]	<input checked="" type="checkbox"/> Final Application [submitted after scoping session]	
Dates	Pre-Application Meeting: 7/27/20	Draft Application Submitted: 10/6/20	Scoping Session: 12/22/20

Note: If applicant is a corporation or a partnership, the "Corporate Applicant Information Document" available at: <http://www.maine.gov/dmr/aquaculture/forms/standard.html> must also be completed.

2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	Stonington
Waterbody	Penobscot Bay
General Description (e.g. south of B Island)	SW of Andrews Island
Lease Information	
Total acreage requested (100-acre maximum)	3.26
Lease term requested (20-year maximum)	20
Type of culture (check all that apply)	<input type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom)
Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Note: If you selected yes, you need to complete the steps outlined in the section titled: "19. Landowner/Municipal Permission Requirements".

3. WATER QUALITY

Directions: Water Quality Information can be found here: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>

Pollution Area (e.g. "19-A"):	38
Pollution Area Section (e.g. "B.2". or "none"):	
Water Quality Classification (e.g. approved, restricted, etc.):	OPEN

Note: If you are proposing to grow molluscan shellfish in waters classified as anything other than open/approved, you will need to contact the Bureau of Public Health to discuss your plans at the following email: DMRPublicHealthDiv@maine.gov Growing Area designations, etc

4. SPECIES INFORMATION

A. Please complete the table below and add additional rows as needed.

Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock, juveniles, and/or smolts	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1. <i>P. magellanicus</i> Sea Scallops	wild spat	500,000
2. <i>Saccharina latissima</i> Sugar Kelp	wild set	3 ton
3. Mussels <i>Mytilus edulis</i>	wild set	3 ton
4.		
5.		

B. Do you intend to possess, transport, or sell whole or roe-on scallops? Yes No

If you answered "yes" please contact the Bureau of Public Health to discuss you plans at the following email: DMRPublicHealthDiv@maine.gov

Note: If you are proposing to grow molluscan shellfish, this application also serves as your written operational plan as required in the National Shellfish Sanitation Program (NSSP) Model Ordinance Chapter 2 and must be maintained in your files. If you wish to submit an operational plan separate from this application, please contact: DMRPublicHealthDiv@maine.gov

5. VICINITY MAP

Note: Please label as: 'Vicinity Map'.

attached

Directions: Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the proposed lease site.

The map needs to display the following:

- The waters, shore lands, and lines of mean high and mean low water within the general area of the lease
- An arrow indicating true north
- A scale bar
- The approximate lease boundaries

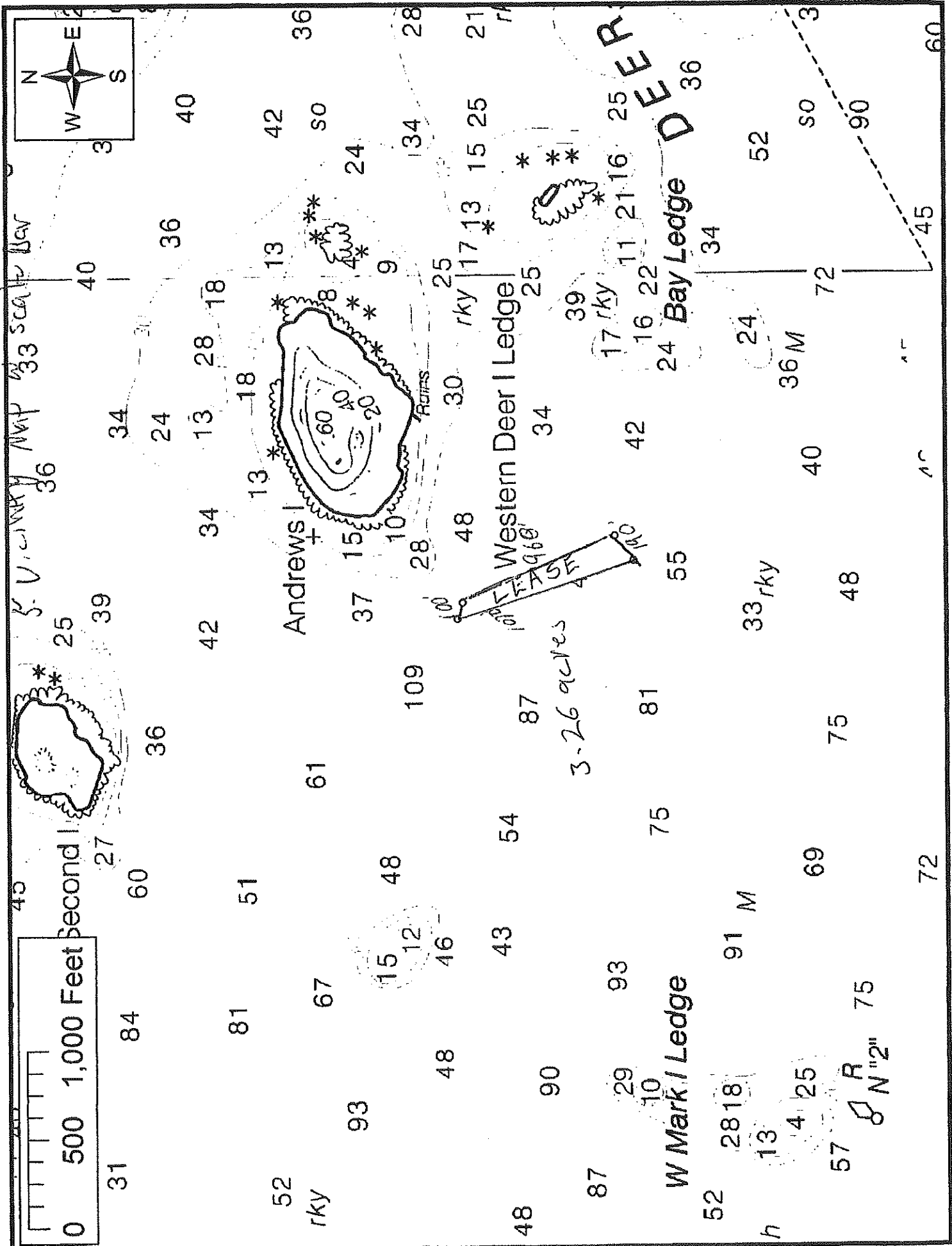
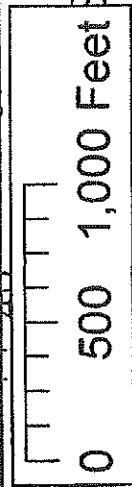
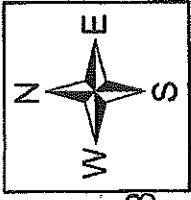
6. BOUNDARY DRAWING

Note: Please label as: 'Boundary Drawing'.

attached

Directions: Depict the boundaries of the proposed lease site. Provide a drawing with all corners, directions, and distances labeled. Provide coordinates for each corner as follows:

- Coordinate Description
Provide geographic coordinates for each corner of the lease site in latitude and longitude as accurately as possible (e.g., to the nearest second or fraction of a second). Identify the datum from the map, chart, or GPS unit used to develop these coordinates. The datum will be shown on the map or chart you are using. The Coordinate Description may be provided separately from the Boundary Drawing.



3A
0 500 1,000 Feet

33 scale bar

Andrews I.

Western Deer I Ledge

W Mark I Ledge

Bay Ledge D

3-26 acres

52 rky

52 h

15 12 46

2818 13 4 25

57 R N "2"

61

33 rky

109

100 100' 100'

37 15 10 28 48

100' 100'

13 18 8 9 25

17 rky 16 22 24

13 13 4 24

11 21 16 25

42 30 24

15 25 21

36 40

134 28

52

24 36 M

40

48

75

69

75

72

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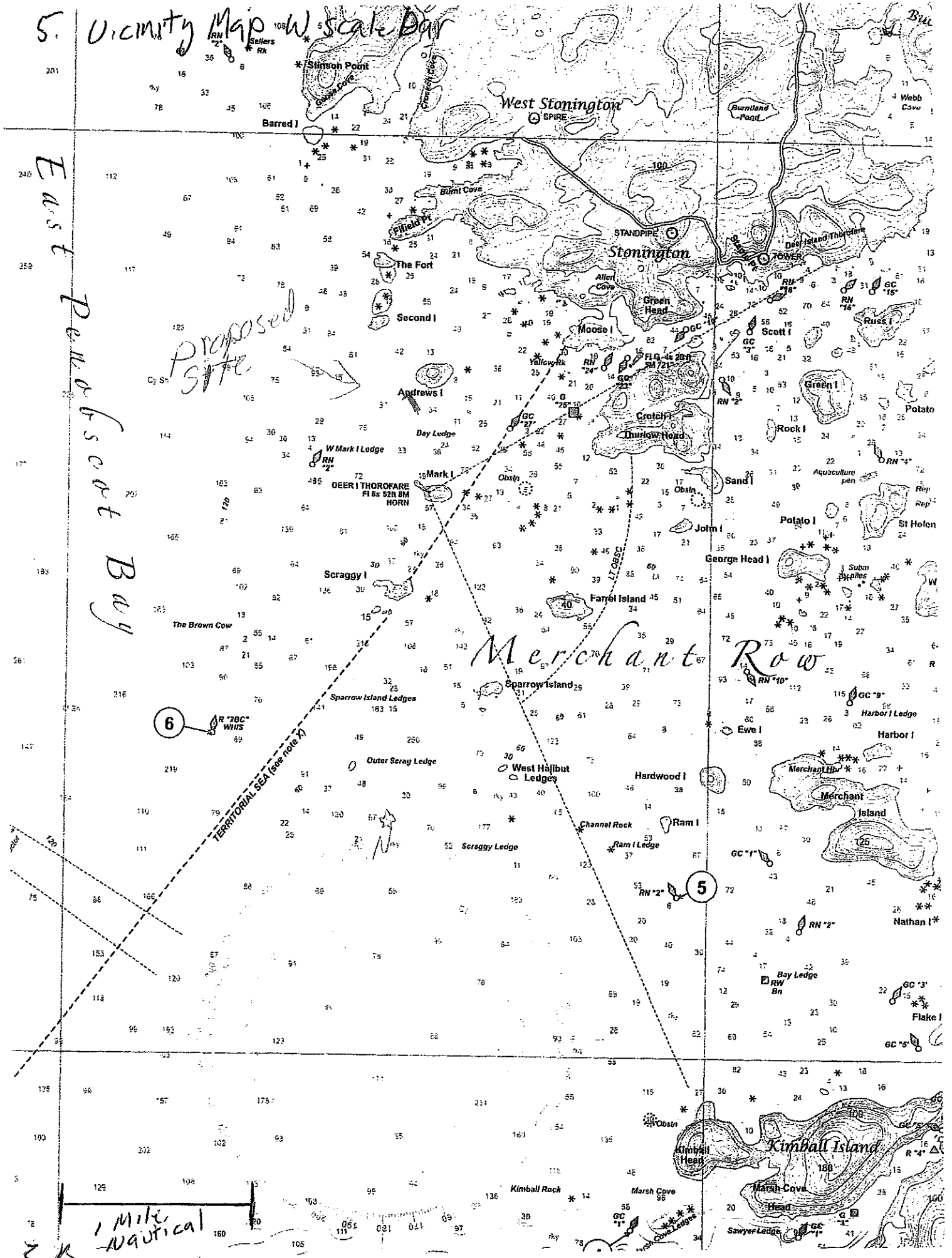
AC

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5. Vicinity Map ^{108 W} scale Bar



East Pent's cut Bay

Proposed site

Merchant Row

6

5

1 mile nautical

SB

6. WGS 84 Datum
Boundary Drawing

WGS 84

3.26 Acres

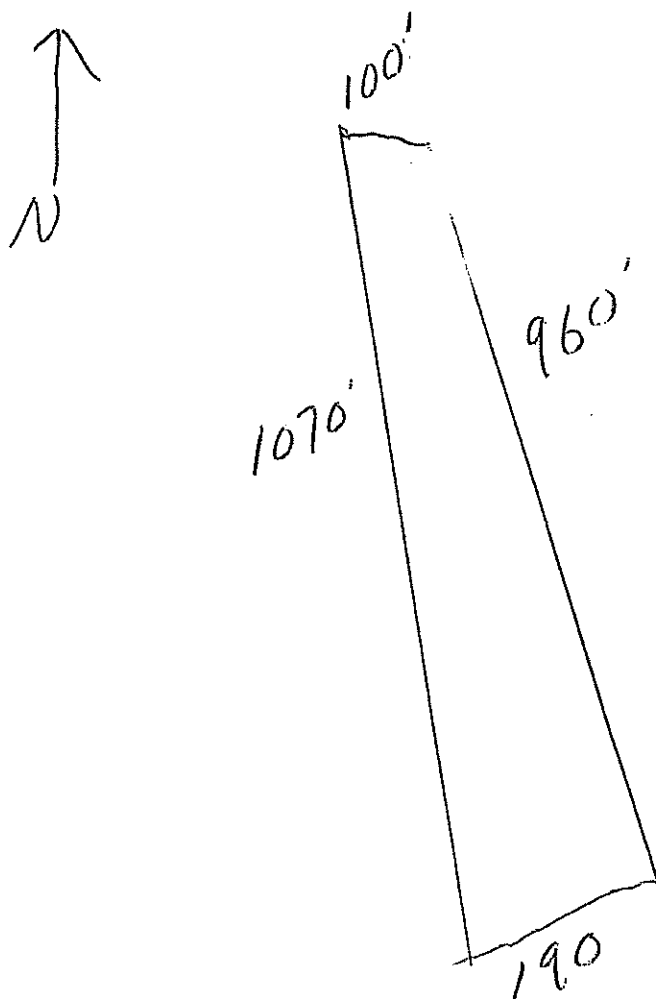
Coordinates for standard lease

NW corner N 44 Degrees 08'.597 W 68 Degrees 42'.448

NE corner N 44 Degrees 08'.592 W 68 Degrees 42'.426

SW corner N 44 Degrees 08'.429 W 68 Degrees 42'.373

SE corner N 44 Degrees 08'.447 W 68 Degrees 42'.341



3c

7. SITE DEVELOPMENT

Directions: If your operations require the use of cages, nets, ropes, trays, or any object (structure) other than the organism to be grown directly on the bottom or buoys to mark the corners of the lease site, you must submit gear drawings and maximum structure schematics (information below). This section is intended to provide accurate plans depicting the physical structures to be placed in the proposed area. All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in). If you are proposing a bottom lease (no gear), please skip to question "F. Marking".

Note: You may embed the schematics within the document or attach them to the end of your application. If you attach the schematics, please label them according to the instructions provided below.

A. Gear Information

Directions: Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. Include units referenced (i.e. 10in, 10ft, etc.).

1. **Gear Drawing:** Please include the following for each gear type that will hold organisms to be cultured (e.g. Polar circles, marine algae longlines, oyster cages) and label as "Gear Drawing". This view must show the following:
 - Length, width, and height of each gear type.
2. **Gear Table:** List and describe each individual gear type that you will use in the table below. (e.g. Polar circles, marine algae longline, oyster cages, moorings, mooring lines, buoys, etc.).

Specific Gear Type (e.g. soft mesh bag)	Dimensions (e.g. 16"x20"x2")	Time of year gear will be deployed (e.g. Spring, Winter, etc.)	Maximum amount of this gear type that will be deployed on the site (i.e. 200 cages, 100 lantern nets, etc.)	Species that will be grown using this gear type
Lantern Net	20 inches Round x 6 ft	year Round	180 360	scallops
Spat Bags	2'x3'	will be on site July - sept	500	scallops
Ear Hangers	5/16" x 30'	year Round	1200	scallop
Long Line	1" x 600'	year Round	1200'	Sugar Kelp

B. Maximum Structure and Mooring System Schematic

Directions: Include drawings of your maximum gear layout. Include units referenced (i.e. 10in, 10ft, etc.).

1. Overhead View. Please include the following and label as "Overhead View":
 - Maximum layout of gear, including moorings.
 - Length and width of project.
 - Approximate spacing between gear.
 - Lease boundaries and the location of proposed corner markers and any additional gear markers that would be present.

2. Cross-Section View. Please include the following and label as "Cross-Section View":
 - The sea bottom.
 - Profile of gear in cross-section as it will be deployed.
 - Label gear with dimensions and materials.
 - Show mooring gear with mooring type, scope, hardware, and line type and size.
 - Depth of gear in relation to the water's surface at mean low water and mean high water (if applicable).

Note: Please include an additional Cross Section View, depicting the elements listed below, if there will be seasonal changes to gear layout (i.e. over wintering).

C. On-Site Support Structures

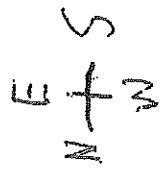
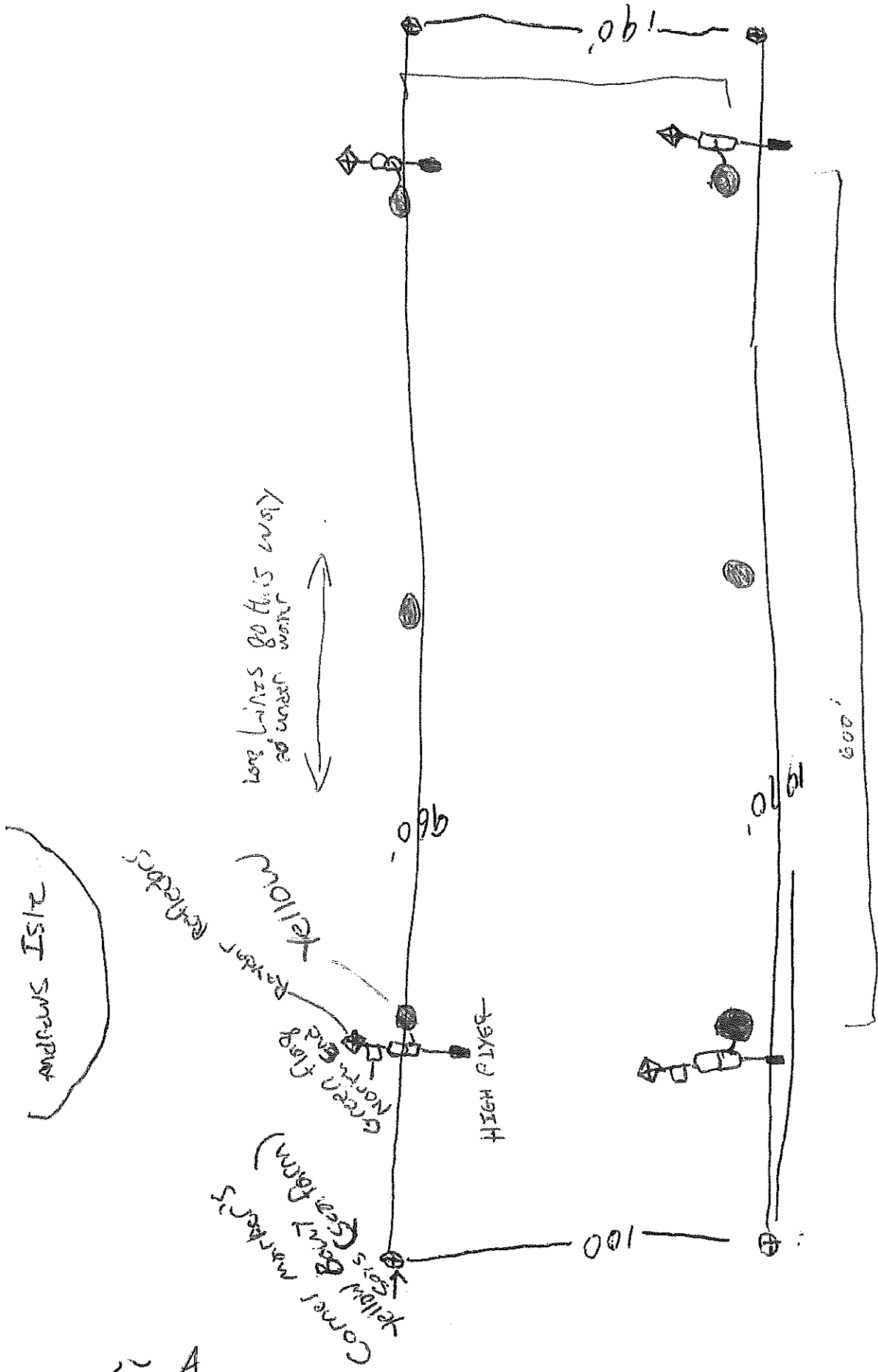
- | |
|---|
| 1. Describe structures such as barges, sheds, etc., to be located on-site. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc. |
|---|

NO structures on site

- | |
|--|
| 2. Describe the storage and use of oil, gasoline or other hazardous materials on this facility. If petroleum products are to be stored on site, provide a spill prevention plan. |
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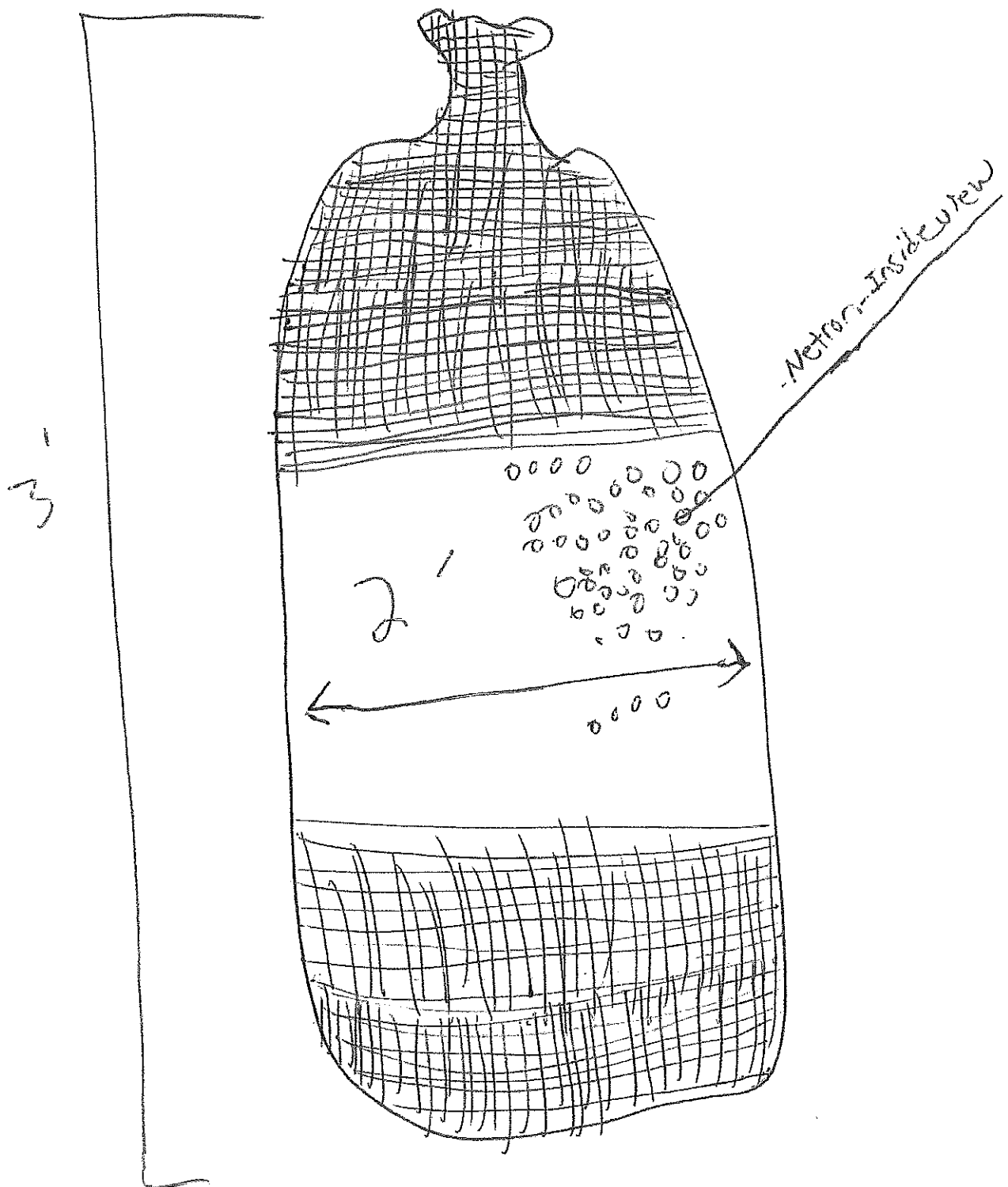
none stored on site

over Head View

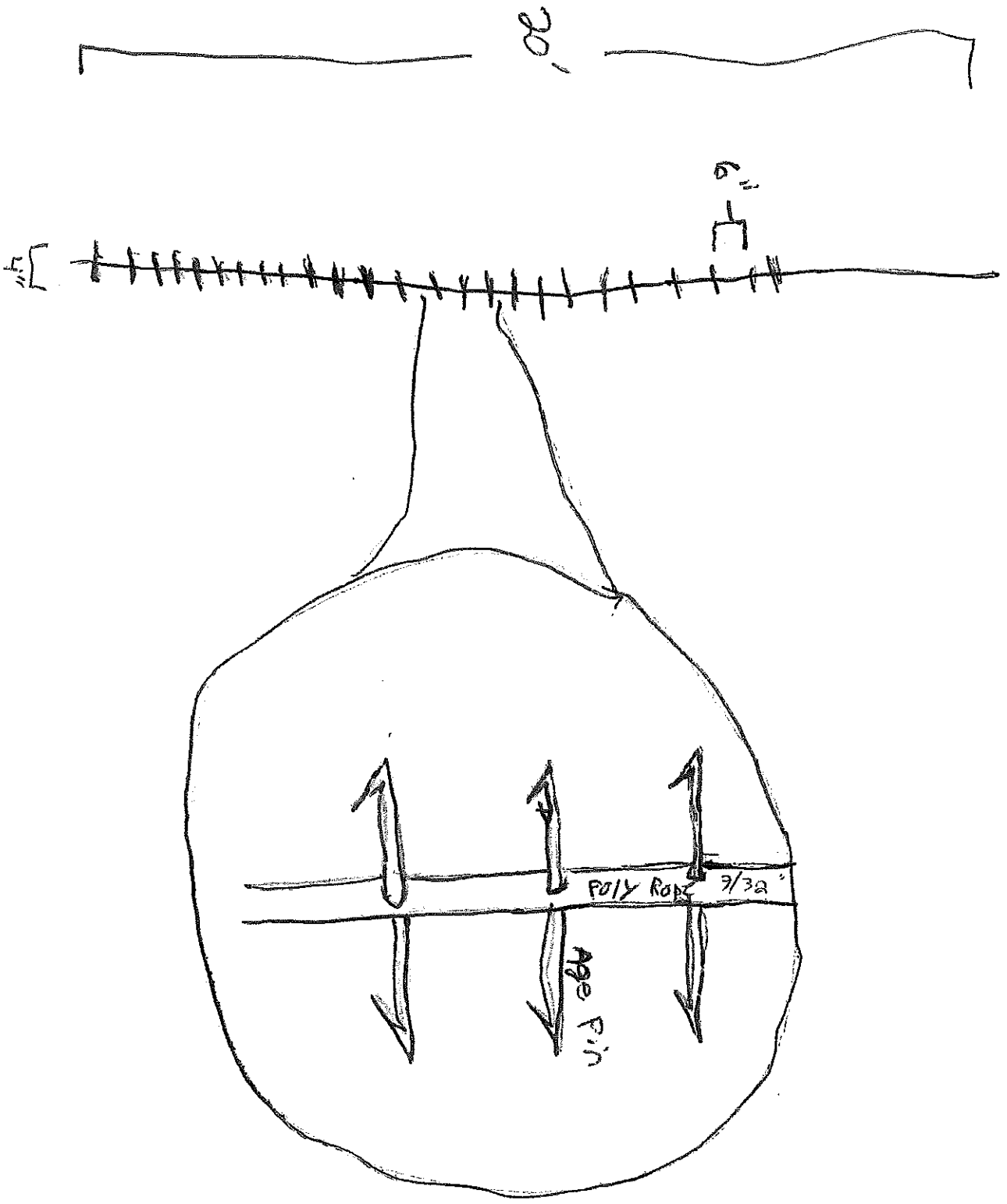


A-2

SPAT BAG



EAR HANGING LINE



5-D

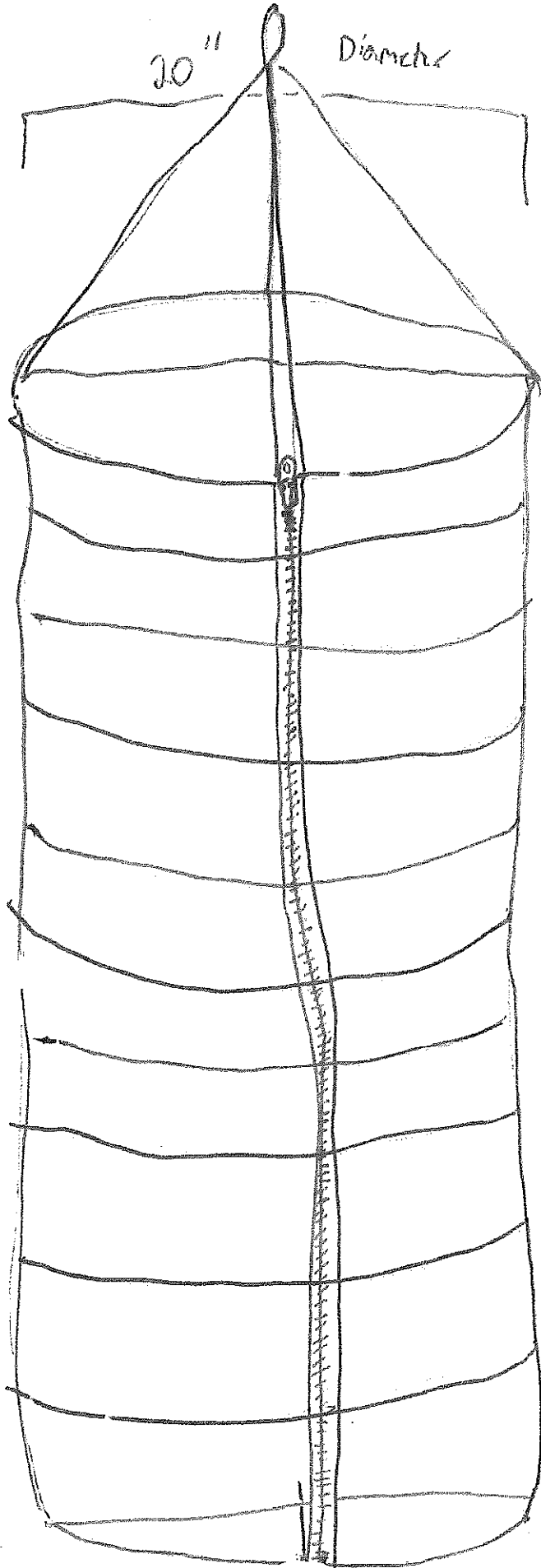
LANTERN
NET

20"

Diameter

6'

S-E



D. Gear Color

Provide the color of the gear and structures proposed to be used at the lease site.
yellow buoys on the moorings Red buoys on the Highlines w/ Radar Reflectors and a yellow buoy in the middle of the line

E. Equipment Layout

Provide schematic or photographic renderings of the generalized layout of the equipment as depicted from two vantage points on the water. Provide the locations of the two vantage points.

F. Marking

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered no, explain why and suggest alternate markings.

Note: If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard Regulations contact: 1st Coast Guard District, Aids to Navigation Office ((617)-223-3293).

8. PRODUCTION ACTIVITIES

Directions: If you are cultivating more than one species, you will need to provide information for each species. Please attach additional pages if needed.

A. Please explain your proposed seeding activities. What months will seeding occur and how often will you be onsite to seed during this time.

We stock Lantern Nets from the spot Bags July - Sept offer that it is constantly cleaning and reducing stocking density until they are sold. Net cleaning is done in a hot water Barrel heated by a coil plugged into the engines cooling system

B. Please explain your proposed tending/maintenance activities.

We do a major cleaning of the bags and the scallops starting in Mid July going into Oct. and as we sell we are reducing stocking densities. We use a hot water Barrel to clean the gear and take the gurry home and compost it with our goat manure.

C. How frequently will you visit/tend the site for routine tending/maintenance (i.e. flipping cages, etc.)?

2 to 3 times a week

D. Describe the harvesting techniques you will use. If you plan on using a drag, please provide the dimensions.

We will dump them out of Lantern Nets, Run them across a grader and through a scallop washer. From there the scallops will be counted into Mesh Bags and packed in coolers with Ice packs and off to the Markets

E. How often will you be at the site during harvesting periods?

2 or 3 times a week

F. Will gear be on the site year-round? Yes No

G. Describe any overwintering or "off season" plans for the site. For example, will you remove gear from the site and/or deploy gear in different areas within the proposed site? Please include where gear or product will be located if removed from the site.

The has proven to be no off season scallop farming as we can sell whole scallops pretty much year round

H. Please provide details on any predator control techniques you plan to employ, including the use of bird deterrents. Will you use commercially available or custom equipment? If commercially available equipment, please include the brand and model names. If custom equipment, please attach a detailed schematic that includes the dimensions, materials, and function of the equipment.

The Lantern Nets suspended in the water column seems to be a fairly good predator control

9. NOISE AND LIGHT

Directions: If a question does not pertain to your proposed operations, please write "not applicable" or "N/A."

A. What type of boats will be used on the site? When and how often will these vessels be on the site?

38 ft Novi and once in a while a small research vessel. The novi boat will be there a couple of times a week

B. What type of powered equipment (e.g. generator, power washer, grading equipment, barges, etc.) will be used on the site? When and how often will the equipment be used?

Pressure Washer in NOV to clean lines and Balls for kelp settlement. We will only be on site during daylight hours unless a weather event forces us to be out there at night. Another extended period of Hot weather like we had this summer may force us to work at night for the duration of the hot spell. see below

C. Specify how you intend to reduce noise levels from the boats and other powered equipment.

The boat has a muffler and most of the time we are just idling anyway. We are working toward having all the equipment be either 24V or hydraulic and supply power with the boat engine running at 700 RPM or less

9B The Pressure washer runs off the boats hydraulics and delivers full pressure with the Boat at 675 RPM just above an Idle

D. Provide the number, type (whether fixtures are shielded), wattage and location of lights, other than those used for navigation or marking, that will be used at the proposed lease site.

We have one small deck light (LED) mounted on the back of the wheelhouse pointed down at the lobster tank so we can see to take out lobsters in the fall.

E. Indicate under what circumstances you might work at your site beyond daylight hours.

Only to get nets on or off the longline when weather doesn't allow us to ~~work~~ harvest for an extended period of time. It hasn't happened in four years and I hope I never have to.

10. CURRENT OPERATIONS

Directions: If a question does not pertain to your proposed operations, please write "not applicable" or "N/A."

A. Describe your existing aquaculture operations, including the acronyms of all active leases and/or licenses.

PEN-AIX RBRE 920 RBRE 1020 PEN SR 12
we grow scallops on under water longlines

B. What are your plans for any existing leases and/or Limited Purpose Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or LPA licenses be relinquished if the lease is granted? If so, please indicate which ones.

The LPAs were replaced by PEN SR 12 and PEN AIX will become a standard lease

11. ENVIRONMENTAL CHARACTERIZATION

Directions: Using your knowledge of the area, describe the environment of the proposed lease site. Be sure to include units of measurement in your answers (i.e. feet, cm/s).

A. What are the approximate depths at mean low water?

50 to 65 feet

B. What are the approximate depths at mean high water?

60 to 75 feet

C. Provide the approximate current speed and direction during the ebb and flow.

Current from the coming tide is from the SE and from the NW during the ebb. Current is up to 1.5 knots

D. The following questions (D.1 through D.6) may be answered in writing or by submitting a video. If you plan to submit a video, please contact the Department prior to video collection.

1. What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?

Mud

2. Describe the bottom topography (flat, steep rough, etc.).

flat and slopes gently to the west side

<p>3. Describe marine organisms by species or common names. Based on your personal observations or other sources of information, are these species abundant, common, or rare?</p>
<p>Benthic creatures, worms, and a few crabs and lobsters. The area was chosen in part because of the lack of commercial fishing in the area</p>
<p>4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</p>
<p>NO</p>
<p>5. Describe the presence and extent of submerged aquatic vegetation, i.e. eelgrass, within the proposed lease area. Please include the date of this observation along with the method of observation. If submerged aquatic vegetation is observed, please also describe the abundance below and sketch the limits of the beds in the vicinity map.</p>
<p>NONE</p>
<p>6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)</p>
<p>Rocky Forested</p>

<p>E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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Note: The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

If a project is located within an Essential Habitat, applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator (John.Perry@maine.gov, phone: 207-287-5254) prior to application submission.

12. EXISTING USES

<p>A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type; b) time of year the activity occurs; c) frequency; and d) proximity to the lease site.</p>
<p>1. Commercial Fishing</p> <p>lobstering takes place around the site. Because of the bottom, soft mud, there never has been much fishing on the site.</p>
<p>2. Recreational Fishing</p> <p>NONE</p>
<p>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water).</p> <p>1/2 mile N of the Deer Isle Throughfare</p>
<p>4. Riparian Ingress/Egress</p> <p>Not interfered with! The site is 700 ft from the nearest island on the seaward side of the island that don't have a good place to land a boat.</p>
<p>5. Other uses (kayaking, swimming, etc.):</p> <p>NONE</p>
<p>B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from the proposed lease.</p> <p>NONE</p>



C. Are there public beaches, parks, docking facilities or federally, state, or municipally conserved lands within 1,000 feet of the proposed lease site? If yes, please describe and include approximate distances from proposed lease.

Andrews Island is conserved land Maine Heritage TRUST
 no public beaches, docking facilities or government conserved land

13. EXCLUSIVE USE

If your lease is granted, what activities would you request be excluded from occurring within the boundaries of the lease site? In your answer please address applicable commercial and recreational fishing, boating activities, and other activities you listed in the 'Existing Uses' section of this application.

The Lines are kept 20 feet underwater at low tide to ~~allow~~ allow vessels to go over the site.
 I would request commercial fishing be excluded within the boundaries of the site.

14. RIPARIAN LANDOWNERS AND SITE ACCESS

A. If your lease is within 1,000ft of shorefront land (which extends to mean low water or 1,650 ft. from shore, whichever is less), the following supporting documents are required:

1. A labeled copy of a tax map(s) depicting the location of the proposed lease site and including the following elements:
 - Label the map "Tax Map: Town of (name of town)."
 - Legible scale
 - Tax lot numbers clearly displayed
 - The boundaries of the proposed lease
2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000ft of the proposed lease site. Have the tax collector or clerk of the municipality certify the list.
3. If any portion of the site is intertidal, you need to complete the steps outlined in the section titled: "19. Landowner/Municipal Permission Requirements".

B. Will your access to the lease area be across riparian land?

Yes No

Note: If you selected yes, you will need to complete the landowner permission requirements included in "19. Landowner/Municipal Permission Requirements" of this application.

C. How will you access the proposed site?

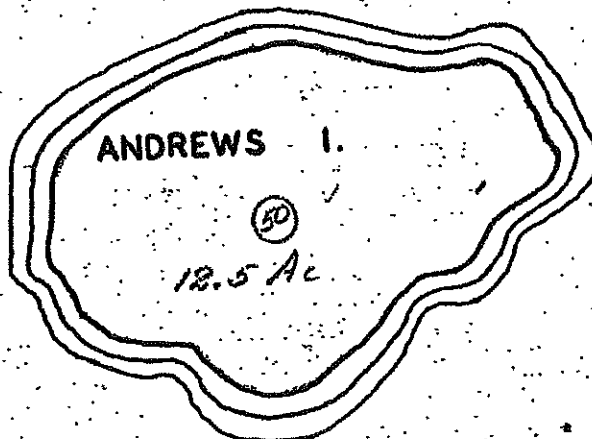
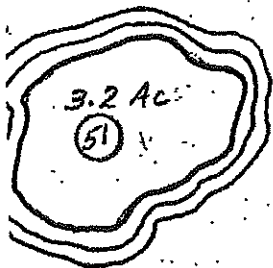
Stonington Commercial Fish Pier

D. How will your proposed activities affect riparian ingress and egress?

They will NOT affect it. We are 700 ft away from the nearest Island on the seaward side where there is no place to come ashore

P E N O B S C O T

SECOND I.



4A-050



TAX MAP

TOWN of Stonington
Bridget Buckley Deputy Clerk

13-A

RIPARIAN LANDOWNER LIST

THIS LIST MUST BE CERTIFIED

On this list, please show the current landowners' names and mailing addresses as listed in the municipal tax records for all riparian shorefront parcels within 1,000 feet of the proposed lease site along with the map and lot number for each parcel. It is the applicant's responsibility to assemble the information for the Town Clerk to certify. The Town Clerk *only* certifies that the information is correct according to the Town's records. Once you have completed the form, ask the Town Clerk to complete the certification section below. If the parcels are within more than one municipality, provide a separate, certified riparian list for each municipality.

TOWN OF: Stonington

MAP #	LOT #	Landowner name(s) and address(es)
04A	050	Andrews Island / Maine Coast Heritage Trust Bowdoin M.I. Island Ste #2 Topsham, Me 04086

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Bridget Brophy ^{Deputy} Town Clerk for the Town of Stonington certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

SIGNED: Bridget Brophy DATE: 10/5/20

15. TECHNICAL CAPABILITY

Provide information regarding professional expertise. Attaching resume or documentation of practical experience necessary to accomplish the proposed project would satisfy this requirement.

I have a lifetime of Commercial Fishing experience and have been growing and selling scallops for three years

16. FINANCIAL CAPABILITY

A. Financial Capability

Please provide documentation to show you have the financial resources to implement the proposal. For example, you may submit a letter from a financial institution or funding agency indicating that you have an account in good standing, or their willingness to commit funds.

Note: Any financial information you submit with your application is part of the public record. Please exercise discretion when submitting financial information.

The site is already set up and stocked with scallops. I will not be needing funding for this proposal

B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.

The costs were \$9300.00 for each (2) Longlines w/gear

17. ESCROW ACCOUNT OR PERFORMANCE BOND

Check the category that describes your operation:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
<input type="checkbox"/>	No gear/structure, no discharge	None
<input type="checkbox"/>	No gear/structure, discharge	\$500.00
<input type="checkbox"/>	≤ 400 square feet of gear/structure, no discharge	\$1,500.00
<input checked="" type="checkbox"/>	>400 square feet of gear/structure, no discharge	\$5,000.00*
<input type="checkbox"/>	Gear/Structure, discharge	\$25,000.00

*DMR may increase the bond/escrow requirements for leases with more than 2,000 square feet of structure.

I, (printed name of applicant) Robert Brewer have read DMR Aquaculture Regulations Chapter 2.64(10) (D) and if this proposed lease is granted by DMR, I will either open an escrow account or obtain a performance bond, in the amount determined by the lease category.



Applicant Signature

Note: Add title if signing on behalf of a corporate applicant.

10-05-2020

Date

ADDITIONAL APPLICANTS: Each applicant must sign this section indicating that they will open an escrow account or obtain a performance bond. Use the space below for additional persons listed on the application. You may attach additional pages, if necessary.

I, (printed name of applicant) _____ have read DMR Aquaculture Regulations Chapter 2.64(10) (D) and if this proposed lease is granted by DMR, I will either open an escrow account or obtain a performance bond, in the amount determined by the lease category.

Applicant Signature

Note: Add title if signing on behalf of a corporate applicant.

Date

18. APPLICANT SIGNATURE PAGE

I hereby state that the information included in this application is true and correct. I have also read and understand the requirements of the Department's rules governing aquaculture and the application instructions pertaining to the standard lease process.

Printed name: Robert Brewer

Title (if corporate applicant): owner

Signature:  Date: 10-05-2020

18 U.S.C. 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.

Note:

- All applicants must sign and date this page. Please use the space below, if additional signatures are required.
- Corporate applicants, please be sure to include the title(s) (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.

Additional Applicant:

Printed name: _____

Title (if corporate applicant): _____

Signature: _____ Date: _____

19. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS (if applicable)

Directions: If any portion of the site is intertidal, you need to complete the steps outlined below.

Step I: Obtain written permission from all intertidal landowners.

Pursuant to DMR Regulations Chapter 2.10(3)(G) the Department requires *written permission of every owner of intertidal land in, on, or over which the activity will occur*. It is your responsibility to obtain written permission and include it with your application materials. Please note that the Department does not provide forms for landowner permission.

Step II: Determine if the municipality where your site is located has a shellfish conservation program.

Pursuant to 12 MRSA §6072(3) *In any municipality with a shellfish conservation program under section 6671, the Commissioner may not lease areas in the intertidal zone within the municipality without the consent of the municipal officers.*

If the municipality where the proposed lease site is located has a shellfish conservation program, it is your responsibility to obtain consent for the proposed lease site from the municipal officers (i.e. the selectmen or councilors of the town, or the mayor and aldermen or councilors of a city.) Consent means a majority vote of the municipal officers as recorded in a public meeting.

It is your responsibility to contact the municipality and determine if they have a shellfish conservation program. Best practices would include discussing your plans with shellfish committee members, but only the consent of municipal officers is required.

Does the municipality, where the proposed site is located, have a shellfish conservation program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If you answered yes, please attach documentation from a public meeting demonstrating that a majority of municipal officers have consented to your proposal.