

Standard Aquaculture Lease Application  
Suspended Culture of Marine Algae  
Casco Bay, Yarmouth, Cumberland County

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### Findings of Fact, Conclusions of Law, and Decision

Summit Point LLC applied to the Department of Marine Resources (DMR or Department) for a twenty-year standard aquaculture lease on 9.25 acres located south of The Nubbin, in Casco Bay, Yarmouth, Cumberland County. The proposal is for the suspended culture of sugar kelp (*Saccharina latissima*) and skinny kelp (*Saccharina angustissima*).

#### 1. Proceedings

DMR held a pre-application meeting on this proposal on April 12, 2022, and a scoping session on September 9, 2022. DMR accepted the final application as complete on March 27, 2023. Notice of the completed application and public hearing was provided to state agencies, the Town of Yarmouth, riparian landowners within 1,000 feet of the proposed site, and subscribers to DMR's aquaculture email listserv. DMR sent a Harbormaster Questionnaire to the Harbormaster for the Town of Yarmouth, requesting information about designated or traditional storm anchorages, navigation, riparian ingress and egress, fishing or other uses of the area, among other considerations and received a response from the Harbormaster on May 3, 2023. Notice of the hearing was published in the Portland Press Herald on January 24, 2025 and provided to state agencies, the Town of Yarmouth, riparian landowners within 1,000 feet of the proposed site, and subscribers to DMR's aquaculture email listserv. The public notice for the hearing stated that the proceeding would be conducted in-person and remotely and directed interested persons to register to provide testimony or ask questions during the proceeding. The registration deadline was February 9, 2025. The deadline for requesting intervenor status was February 9, 2025. No applications for intervenor status were received by DMR. No individuals registered to participate in the hearing. DMR held a public hearing on this application on February 24, 2025.

**Table 1.** Individuals who provided sworn testimony at the hearing.

Name	Affiliation
Colleen Francke	Applicant

Additional DMR staff and members of the public attended the hearing but did not offer testimony. The hearing was recorded by DMR. The Hearing Officer was Joshua Rozov. The record was closed on February 24, 2025.

Under DMR Regulations Chapter 2.31(6)(B), the Commissioner may re-open the hearing record after it has been closed to take additional evidence on specific issues where the Commissioner is not satisfied that he has all the information necessary to make a decision. The proposal is located within endangered roseate tern<sup>1</sup> habitat and within 1,000 feet of Nubbin Island (“The Nubbin”), which is entirely conserved land owned by the State. On July 2, 2025, DMR reopened the record, provided IFW with the lease application and the DMR site report, and requested feedback from the Department of Inland Fisheries and Wildlife (IFW) regarding the location of the site within significant wildlife habitat and potential impacts to the public enjoyment of conserved land owned by the State. DMR held the record open until August 1, 2025, for comment from IFW. On July 31, 2025, IFW staff member, Ciara Wentworth, responded via email. The applicant was provided with a copy of IFW’s comment and was given until September 19, 2025, to file any comments in response. The applicant did not supply any comments. On September 19, 2025, the record was closed.

On October 9, 2025, DMR received notice that on October 7, 2025, Mimi’s Oysters LLC and Terminus Ventures LLC each took 50% ownership of Summit Point LLC. An updated application for this proposal reflecting the acquisition was received by DMR on October 30, 2025.

The evidentiary record before DMR regarding this lease application includes the record of testimony at the hearing. The evidence from all sources is summarized below.

#### **A. List of Exhibits**

1. Case file (CF)
2. Application deemed complete on March 27, 2023, and updated on October 30, 2025 (App)
3. DMR site report, issued on August 13, 2024 (SR)

The case file, application and site report are referred to in the decision with their designated abbreviations.

## **2. Description of the Project**

### **A. Site History**

No historic aquaculture activities have occurred in the area of this proposed lease site.

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<sup>1</sup> The roseate tern is designated as a state endangered species. 12 M.R.S. § 12803(3)(K).

## **B. Proposed Operations**

The applicant proposes to culture sugar kelp and skinny kelp (App 2). The applicant does not intend to possess, transport, or sell whole or roe-on scallops (App 2).

The applicant proposes to use 441 depth control buoys, 441 7-foot long sink rope, 441 small weights for depth control, 49 sections of 360-foot long line, 94 mooring marker, 98 mooring lines of varying length, 98 concrete mooring blocks, 98 mooring staples, 2 960-foot line to connect moorings, 98 shackles, and four yellow corner mooring markers (App 4-5).

The proposal would have 49 rows of 360-foot long lines (App 36). Each long line would be spaced 20 feet apart from the adjacent long line (App 36). Each long line would have nine depth control buoys along the line, spaced 36 feet from each other (App 36). The end of each long line would be attached to a mooring line, which would then be attached to a concrete block mooring placed on the sea floor as well as a mooring marker at the surface (App 41). The two long lines on either end of the proposal would have corner marker buoys instead of mooring marker buoys (App 36).

The applicant proposes to use the site for aquaculture from November 1 to June 1 (App 36). The seeding process is proposed to start on November 1 at the earliest and would last for approximately one week (App 8). All seeding would be done during daylight hours (App 8).

Tending and maintenance of the proposal would occur approximately two times a week (App 8). The applicant would use this time to check that equipment is submerged to a proper depth and in good condition, and to measure the marine algae's growth (App 8). All tending and maintenance activities would be done during daylight hours (App 8).

Harvesting activities are proposed to start in April at the earliest (App 8). The applicant would use a reel and hoist to hoist the long lines of product onto their boat (App 8). The applicant would be on site seven days a week from the beginning of harvesting until all the product is harvested (App 8). All harvesting activities would be completed by June 1 (App 8). All harvesting would be done during daylight hours (App 9).

From June 1 to November 1, all long lines and mooring markers would be removed from the proposal (App 38). The only gear that would remain in the proposed lease site at this time would be the moorings, a line connecting both rows of moorings, and four corner markers (App 38).

No power equipment is proposed to be used at this lease site.

## **C. Site Characteristics**

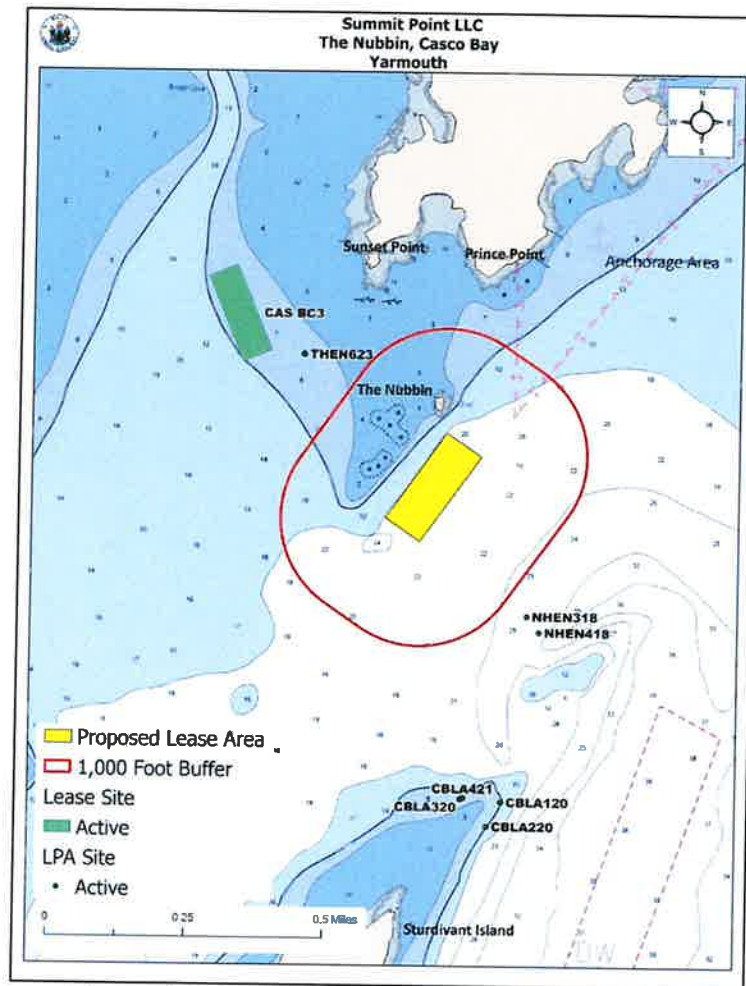
**Description.** The proposed site is located south of The Nubbin, in Casco Bay, Yarmouth, in Cumberland County (SR 1). The proposal is located in subtidal waters (SR 5).

DMR scientists visited the proposed lease site on June 5, 2024. The proposal is located approximately 153 feet south of The Nubbin (SR 2). The Nubbin is an islet consisting of a rock ledge with an area of bare soil and a small patch of dead trees (SR 2). The next nearest shoreline is Prince Point, approximately 1,396 feet to the north (SR 3). Prince Point consists of a rocky coastline with forested uplands and residential properties (SR 3).

During the site visit, DMR scientists began collecting depths at the proposed site shortly after high tide at approximately 11:00 AM (SR 2). The tide was ebbing with the next low tide predicted at 4:43 PM (SR2). Depths were determined to be between 26-32 feet (SR2). Correcting for tidal variations derives depths at mean low water (MLW, 0.0 feet) to be between 16.5-22.9 feet (SR 2).

DMR scientists observed the bottom characteristics of the proposed lease site via a remotely operated vehicle (SR 2). The bottom of the lease site was observed to be primarily composed of mud (SR 2).

Growing Area Classifications are pertinent to bivalve shellfish species cultured and harvested for human consumption. The proposal does not include the cultivation or harvest of any bivalve shellfish species, so Growing Area Classifications do not apply. However, if the lease is granted, and bivalve shellfish were proposed to be added within the boundaries of the site, it would be the responsibility of the leaseholder to comply with any harvest requirements applicable to the respective Growing Area.



**Figure 1.** Proposed lease site and surrounding area

### **3. Legal Criteria and Findings of Fact**

Approval of Standard aquaculture leases is governed by 12 M.R.S.A. § 6072 and DMR Regulations, Chapter 2.37<sup>2</sup>. The statute and regulations provide that a lease may be granted by the Commissioner upon determining that the project will not unreasonably interfere with: the ingress and egress of riparian owners; navigation; fishing or other uses of the area; other aquaculture uses of the area; the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna; and public use or enjoyment within 1,000 feet of beaches, parks, docking facilities, or conserved lands owned by municipal, state, or federal governments. The Commissioner must also determine that the

<sup>2</sup> 13-188 C.M.R. ch. 2, § 2.37.

applicant has demonstrated that there is an available source of organisms to be cultured for the lease site; that the lease will not result in an unreasonable impact from noise or light at the boundaries of the lease site; and that the lease will comply with visual impact criteria adopted by the Commissioner.

**A. Riparian Owners Ingress and Egress**

When examining riparian access, the Commissioner considers whether the proposed lease will unreasonably interfere with the ingress and egress of riparian owners. 12 M.R.S.A. § 6072(7-A)(A). The Commissioner shall examine whether the riparian owners can safely navigate to their shore and consider the type of shore, the type of vessel that can reasonably land on that shore and the types of structures proposed for the lease and their potential impact on the vessels which would need to maneuver around those structures. Chapter 2.37(1)(A)(1).

The application states that there is no ingress or egress of shorefront property owners within 1,000 feet of the proposal (App 15).

The proposed lease area is not within 1,000 feet of any piers or docks.(SR 5).The next nearest shoreline is Prince Point, approximately 1,396 feet to the north (SR 3). A pier with a dock was observed approximately 1,353 feet to the north of the proposal with two moorings in the general vicinity of the dock (SR 5). During the site visit, DMR scientists observed one mooring within 1,000 feet of the proposal located approximately 833 feet to the north (SR 5). This mooring is on the northern side of The Nubbin, while the proposal is located on the southern side of The Nubbin (SR 4). There were additional moorings over 1,000 feet northeast of the proposal (SR 5). Navigational charts indicate that part of a designated mooring field is within 1,000 feet of the proposal, but DMR scientists did not observe any moorings in this area during the site visit (SR 5).

In the response to the Harbormaster Questionnaire received on May 3, 2023, the Harbormaster stated that this proposal would not affect riparian owners within 1,000 feet (CF – Harbormaster Questionnaire). This response is relevant, but DMR notes that its consideration of riparian ingress and egress is not limited to riparian owners within 1,000 feet of the proposed lease.

During the site visit, DMR staff observed the nearest mooring approximately 833 feet to the north. 833 feet will allow for watercraft to access the mooring without unreasonable interference caused by the aquaculture activities in this proposal. Apart from The Nubbin which has no dock, the nearest shoreline is approximately 1,369 feet to the north of the proposal, a distance that would allow riparians to access the shoreline safely without needing to navigate around the proposal.

**Therefore,** the aquaculture activities as proposed will not unreasonably interfere with riparian owner ingress and egress.

## **B. Navigation**

When examining navigation, the Commissioner considers whether the proposed lease will interfere with navigation. 12 M.R.S.A. § 6072(7-A)(B). The Commissioner shall examine whether any lease activities requiring surface and or subsurface structures would interfere with commercial or recreational navigation around the lease area and consider the current uses of the navigational channels in the area. Chapter 2.37(1)(A)(2).

The application states that a moderate amount of sailing is observed within the area of the lease from June to September (App 15).

DMR scientists determined there is approximately 4,627 feet of navigable water between the proposal and Birch Point to the southeast and approximately 3,750 feet of navigable water between the proposal and Anderson Rock to the northwest (SR 5). During their site visit, DMR scientists observed a powerboat transiting to the northwest of the proposal (SR 5).

In the Harbormaster Questionnaire received on May 3, 2023, the Harbormaster was asked how this proposal would affect navigation in the area. The Harbormaster stated it would not affect navigation (CF – Harbormaster Questionnaire).

Given the 4,627 feet of navigable water to the southeast and the 3,750 feet of navigable water to the northwest, watercraft would be able to navigate the area around the proposed lease site without navigating close enough to the proposed lease area to risk interference caused by aquaculture gear within the site. While the applicant did state sailing is observed within the area of the proposed lease site from June to September, this is outside the timeframe the applicant stated they would be actively using the proposal. Additionally, the Harbormaster does not believe this proposed lease site would affect navigation in the area.

**Therefore**, the aquaculture activities as proposed will not unreasonably interfere with navigation.

## **C. Fishing and Other Uses**

When examining fishing and other uses, the Commissioner considers whether the proposed lease activities will unreasonably interfere with fishing or other uses of the area. 12 M.R.S.A. § 6072(7-A)(C). The Commissioner shall examine whether the lease activities would unreasonably interfere with commercial or recreational fishing or other water-related uses of the area. Chapter 2.37(1)(A)(3).

**Fishing.** The application states that commercial lobstering and menhaden fishing are infrequently observed within the boundaries of the proposal from June to August (App 14). Recreational hook fishing is also infrequently observed within the boundaries of the proposal from June to August (App 14).

During DMR's site assessment on June 5, 2024, scientists observed light lobstering activity to the west of the proposal in the vicinity of the submerged ledges near The Nubbin (SR 6). DMR scientists

observed ten lobster buoys within 1,000 feet of the proposal with one lobster buoy within proposal boundaries (SR 6). Scientists also observed a small cluster of unmarked buoys located approximately 443 feet to the west of the proposal (SR 6).

The applicant testified that they have not observed any lobster buoys in the vicinity of the proposed lease site (Franke/Rozov).

In the Harbormaster Questionnaire received on May 3, 2023, the Harbormaster was asked what types of commercial and recreational fishing occur within the area of the proposed lease. The Harbormaster stated there is no commercial fishing in that area during the time of year the proposal would be active (CF – Harbormaster Questionnaire).

The applicant proposes the lease site to be active from November 1 until June 1. During the site visit on June 5, 2024, DMR staff observed ten lobster buoys within 1,000 feet of the proposal, as well as a lobster buoy within the proposed lease boundary. All buoys observed were to the west of the proposed lease site. The Harbormaster Questionnaire stated that while commercial fishing does occur in the area of the proposed lease site, no commercial fishing occurs in that area during the time of year the proposal would be active. While the presence of commercial fishing has been observed in and around the lease area, the proposed lease would only be active from November 1 until June 1. As stated in the Harbormaster Questionnaire, the timeframe in which the proposed lease site would be active is outside the usual season of commercial fisherman. Additionally, as stated in Section 2(C), the MLW of the proposed lease site is between 16.5-22.9 feet. Figure 1 shows that the average water depth to the west of the proposal, where the majority of the lobster buoys were observed, is approximately 2-12 feet. Looking at these depths, it is clear that lobster buoys placed in the area are usually placed in water depths shallower than the MLW at the proposed lease site.

The proposed aquaculture activities would not unreasonably interfere with fishing in the area because of the timeframe in which the proposal would be active is outside the time of year commercial fishing occurs, and the proposed lease site located in a deeper depth than lobstermen in the area appear to use.

**Other Uses.** The application states that a moderate amount of kayaking is observed within the area of the lease from June to September (App 15).

No other uses were observed by DMR scientists during the June 5, 2024, site visit.

The kayaking observed by the applicant occurs outside the November 1 – June 1 timeframe in which the proposal would be active. Because of this the aquaculture activities proposed would not unreasonably interfere with other uses in the area.

**Therefore**, the aquaculture activities as proposed will not unreasonably interfere with fishing or other uses, including water-related uses of the area.

**D. Other Aquaculture Uses**

Pursuant to 12 M.R.S.A. § 6072(7-A), in evaluating the proposed lease, the Commissioner shall take into consideration the number and density of aquaculture leases in the area. The Commissioner shall consider any evidence submitted concerning other aquaculture uses of the area, the intensity and frequency of such uses, the degree of exclusivity required for each use as well as the number, size, location, and type of other aquaculture leases. Chapter 2.37(1)(A)(4).

There are no active aquaculture leases or Limited Purpose Aquaculture (LPA) licenses within 1,000 feet of the proposal (SR 7).

**Therefore**, the aquaculture activities as proposed will not unreasonably interfere with other aquaculture uses in the area.

**E. Existing System Support**

When examining the existing system support, the Commissioner considers whether the proposed lease activities will unreasonably interfere with significant wildlife and marine habitat or with the ability of the lease site and surrounding marine and upland areas to support existing ecologically significant flora and fauna. 12 M.R.S.A. § 6072(7-A)(D). Such factors as the degree to which physical displacement of rooted or attached marine vegetation occurs, the amount of alteration of current flow, increased rates of sedimentation or sediment resuspension, and disruption of finfish migration shall be considered by the Commissioner in this determination. Chapter 2.37(1)(A)(5).

**Site Observations.** DMR scientists observed the bottom characteristics in the vicinity of the proposed lease site via a remote operated vehicle (SR 8). The relative abundance of epibenthic flora and fauna observed are described in Table 2 below.

**Table 2.** Species observed by DMR staff during the site visit on June 5, 2024.

Species Observed	Abundance
Sand shrimp ( <i>Crangon septemspinosa</i> )	Rare
Sheet algal bed	Occasional

**Marine Vegetation.** The application states that from personal observation, there is no submerged aquatic vegetation or eelgrass (*Zostera marina*) within the proposed site (App 13).

Seagrass data collected in 2022 indicates that there is eelgrass mapped within 1,000 feet of the proposal (SR 9).<sup>3</sup> The nearest mapped eelgrass is approximately 130 feet to the northwest of the proposal (SR 9). During DMR's site assessment, scientists did not observe any eelgrass within proposal boundaries (SR 9). No eelgrass was observed on underwater footage (SR 9).

**Wildlife.** During the site visit, DMR scientists observed herring gull (*Larus argentatus*), double-crested cormorant (*Nannopterum auritum*), great cormorant (*Phalacrocorax carbo*), American black duck (*Anas rubripes*), and a common loon (*Gavia immer*) in the vicinity of the proposal (SR 10). On The Nubbin, DMR scientists observed at least 15 cormorant nests both on the ground and in a desiccated tree and observed several herring gulls throughout the islet (SR 10).

According to Geographic Information System (GIS) data maintained by IFW and available through the Maine Office of GIS, there is mapped Tidal Waterfowl and Wading Bird Habitat (TWWH) within 1,000 feet of the proposal (SR 10). The nearest mapped TWWH is located approximately 115 feet to the northwest of the proposal (SR 10). The proposal is also located almost entirely within mapped roseate tern (*Sterna dougallii*) habitat (SR 10). DMR scientists did not observe any roseate tern during the site visit (SR 10).

Under DMR Regulations Chapter 2.31(6)(B), the Commissioner may re-open the hearing record after it has been closed to take additional evidence on specific issues where the Commissioner is not satisfied that they have all of the information before them necessary to make a decision. As explained above, because the proposal is located within roseate tern habitat, DMR requested comment from IFW regarding the location of the site within significant wildlife habitat, based on the lease application and the DMR site report. DMR held the record open until August 1, 2025, for comment. On July 31, 2025, IFW staff responded via email, “[g]iven that the lease falls within designated [Essential Habitat for roseate tern], the proposal must go through the MDIFW [Essential Habitat] review process prior to issuance of the lease.” IFW explained that the applicant must submit a completed “MDIFW Form EHR4/03,”<sup>4</sup> along with the “final plans that DMR reviews and will issue the permit [sic] for” to IFW “for final approval of the activity within [the Essential Habitat].”

Although IFW stated that the applicant must go through its EH review process “prior to issuance of the lease,” DMR’s lease review process is independent of IFW’s EH review process. DMR does not have authority over IFW’s EH review process, and IFW does not have authority over DMR’s lease review process. Therefore, if this application is granted, DMR may issue the lease before IFW completes its EH review process. However, by virtue of IFW’s comment and this decision, the applicant is on notice that if

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<sup>3</sup> Data obtained from The Maine Office of GIS “GISVIEW.MEDEP.Seagrass2022”. This is the most current record of mapped eelgrass within the vicinity of the proposal.

<sup>4</sup> IFW attached a copy of this form to its comment, which DMR provided to the applicant.

DMR grants this lease, the applicant is required by IFW to secure separate approvals from IFW before conducting any aquaculture activities within the Essential Habitat.

In its comment, IFW added, “given the specifics of the lease activities and location, MDIFW anticipates that the activities described in this proposal do not significantly alter or unreasonably harm the Essential Habitat of roseate tern.”

The applicant was notified of, and supplied a copy of, the comment provided by IFW, and was given until September 19, 2025, to file any comments in response to the comments from IFW. The applicant did not supply any comments.

While the proposed lease is located within roseate tern essential habitat, based on its review of the application and site report, IFW anticipates that this proposal does not significantly alter or unreasonably harm the Essential Habitat of roseate tern. This preliminary assessment by IFW does not relieve the applicant of its obligation to go through IFW’s EH review process. But it does provide relevant information to DMR in its assessment of this lease decision criterion.

In sum, no eelgrass is located within the vicinity of the proposal, and IFW anticipates that the activities described in this proposal do not significantly alter or unreasonably harm the Essential Habitat of roseate tern.

**Therefore**, the aquaculture activities as proposed will not unreasonably interfere with significant habitat and the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.

#### **F. Source of Organisms to be Cultured**

Pursuant to 12 M.R.S.A. § 6072(7-A)(E), in evaluating the proposed lease, the commissioner shall determine that the applicant has demonstrated there is an available source of organisms to be cultured for the lease site. The Commissioner shall include but not be limited to, consideration of the source’s biosecurity, sanitation, and applicable fish health practices. Chapter 2.37(1)(A)(6).

The application states that the applicant would source stock for sugar kelp and skinny kelp from their own land-based aquaculture (LBA) site (App 2). At this time, the Summit Point LBA is no longer licensed. While the original source is not currently approved for sugar kelp and skinny kelp, another source, Oceans Balance, is currently approved. During the hearing, this information was shared with the applicant, and they clarified that they would source from an approved hatchery (Franke/Ellis).

**Therefore**, the applicant has demonstrated that there is an available source of stock to be cultured for the lease site.

#### **G. Interference with Public Facilities**

When examining interference with public facilities, the Commissioner considers whether the proposed lease will unreasonably interfere with public use or enjoyment within 1,000 feet of a beach, park, docking facility or certain conserved lands owned by the Federal Government, the State Government or a municipal governmental agency. 12 M.R.S.A. § 6072(7-A)(F). In determining interference with the public use or enjoyment of conserved lands, the Commissioner shall consider the purpose(s) for which the land was acquired. Chapter 2.37(1)(A)(7)).

The proposed lease is not within 1,000 feet of any beach, park, or docking facility owned by federal, state, or municipal governments (SR 11). The proposed lease is within 1,000 feet of The Nubbin (parcel name “Nubbin Islands”), which is owned by IFW and is located approximately 153 feet to the north of the proposal (SR 11).

As explained above, because the proposal is located approximately 152 feet of The Nubbin, which is conserved land owned by the State, DMR requested feedback from IFW regarding the proximity of the proposal to The Nubbin. On July 31, 2025, IFW responded via email stating “the island is not to be used to access the lease area, store equipment, secure boats, or other activities related to facility operations. Therefore, as part of the project description, the applicant must clearly indicate that the Nubbin and any surrounding intertidal areas will not be used for these purposes.” Except for these requirements, IFW did not state the location of the proposal would unreasonably interfere with the public use or enjoyment of The Nubbin.

The applicant did not propose using The Nubbin or the surrounding intertidal area to access the proposed lease site, store equipment, secure boats, or to conduct any other activities related to its lease operations. Any use of The Nubbin or the surrounding intertidal areas to access the lease area, store equipment, secure boats, or conduct other activities related to lease operations would be outside of the operation plan for the proposal and, therefore, would not be allowed if the lease were granted.

**Therefore,** the aquaculture activities as proposed will not unreasonably interfere with the public use or enjoyment within 1,000 feet of beaches, parks, docking facilities, or certain conserved lands owned by federal, state, or municipal government.

#### **H. Light**

When examining light, the Commissioner considers whether the proposed lease will cause an unreasonable impact from light at the boundaries of the lease site. 12 M.R.S.A. § 6072(7-A)(G). Compliance with exterior lighting regulations is evaluated along with the requirement that the applicant demonstrate that all reasonable measures will be taken to mitigate light impacts associated with the lease activities. Chapter 2.37(1)(A)(8). Chapter 2.37(1)(A)(8) states “these rules apply to all exterior lighting used on buildings, equipment, and vessels permanently moored or routinely used at all aquaculture

facilities, with the exception of lighting for navigation, emergencies, and construction of a temporary nature.”

The application states no lights will be used at the site unless deemed necessary by the Coast Guard for navigation (App 11). The application further states that the applicant would only work beyond daylight hours in the event of an emergency (App 11). In an emergency, the applicant would use boat running lights, boat search lights, boat deck lights, headlamps, and flashlights (App 11).

Chapter 2.37(1)(A)(8) states “these rules apply to all exterior lighting used on buildings, equipment, and vessels permanently moored or routinely used at all aquaculture facilities, with the exception of lighting for navigation, emergencies, and construction of a temporary nature.” The applicant stated the only lights used would be in the event of an emergency. Chapter 2.37(1)(A)(8) makes an exception to the lighting impact rules for lighting used in the event of emergencies.

**Therefore**, the aquaculture activities as proposed will not result in an unreasonable impact from light at the boundaries of the lease site.

## **I. Noise**

When examining noise, the Commissioner considers whether the proposed lease will cause an unreasonable impact from noise at the boundaries of the lease site. 12 M.R.S.A. § 6072(7-A)(G). Compliance with the noise criteria in the Department’s regulations is evaluated, including the requirement that the applicant demonstrate that all reasonable measures will be taken to mitigate noise impacts from the lease activities. Chapter 2.37(1)(A)(9).

The applicant testified that a hauler equipped on the vessel used to access the site would be the only equipment used for the proposed activities (Franke/Rozov). The applicant would use no generator or other powered equipment (Franke/Rozov).

Chapter 2.37(1)(A)(9) requires “all motorized equipment used during routine operation at an aquaculture facility must be designed or mitigated to reduce the sound level produced to the maximum extent practical.” Chapter 2.37(1)(A)(9) states that an exception to this requirement is “watercraft, harvest or transport barges, and maintenance equipment while underway.” Haulers equipped on boats are powered by the engine of the vessel. The use of the proposed hauler would not produce any additional noise. Due to the sound of the watercraft and harvest barges being exempt from the rules, the hauler does not produce any additional noise that would require mitigation because the sound generated by the vessel is exempt from the noise criteria in Chapter 2.37(1)(A)(9).

**Therefore**, the aquaculture activities as proposed will not result in an unreasonable impact from noise at the boundaries of the lease.

## **J. Visual Impact**

When examining visual impact, the Commissioner must determine that the proposed lease is in compliance with visual impact criteria relating to color, height, shape and mass. 12 M.R.S.A. § 6072(7-A)(H). Compliance with visual impact criteria set out in DMR's regulations, including building profiles, height limitations, roof and siding materials, and color are evaluated. Chapter 2.37(1)(A)(10).

The application does not propose any additional structures on the proposed lease site (App 6). The application states all mooring markings and depth control buoys will be white and long lines and lines for depth control will be white (App 7).

Chapter 2.37(1)(A)(10) states "equipment ... shall be painted, or be of, a color that does not contrast with the surrounding area. Acceptable hues are grays, blacks, browns, blues, and greens that have a sufficiently low value, or darkness, so as to blend in with the surrounding area. Colors shall be flat, not reflective, in appearance.

If granted, the proposal will need to comply with color guidelines outlined in Chapter 2.37(1)(A)(10).

**Therefore**, the lease site as proposed will comply with DMR's visual impact criteria.

## **4. Conclusions of Law**

Based on the above findings, DMR concludes that:

- a. The aquaculture activities proposed for this site will not unreasonably interfere with the ingress and egress of riparian owners.
- b. The aquaculture activities proposed for this site will not unreasonably interfere with navigation.
- c. The aquaculture activities proposed for this site will not unreasonably interfere with fishing or other uses, including water-related uses of the area.
- d. The aquaculture activities proposed for this site will not unreasonably interfere with other aquaculture uses of the area.
- e. The aquaculture activities proposed will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.
- f. The aquaculture activities proposed for this site will not unreasonably interfere with the public use or enjoyment within 1,000 feet of beaches, parks, docking facilities, or certain conserved lands owned by federal, state, or municipal government.
- g. The applicant has demonstrated that there is an available source of stock to be cultured for the lease site.

- h. The aquaculture activities proposed for this site will not result in an unreasonable impact from light at the boundaries of the lease site.
- i. The aquaculture activities proposed for this site will not result in an unreasonable impact from noise at the boundaries of the lease site.
- j. The aquaculture activities proposed for this site will comply with the visual impact criteria.

Accordingly, the evidence in the record supports the conclusion that the proposed aquaculture activities do meet the requirements for the granting of an aquaculture lease set forth in 12 M.R.S.A. § 6072.

## **5. Decision**

Based on the foregoing, the Commissioner grants a Standard lease to Summit Point LLC for 9.25 acres for twenty years for the cultivation of sugar kelp (*Saccharina latissima*) and skinny kelp (*Saccharina angustissima*) using suspended culture techniques. The granted lease coordinates are contained in the Appendix to this decision. The lessee shall pay the State of Maine rent in the amount of \$100.00 per acre per year. The lessee shall post a bond or establish an escrow account pursuant to Chapter 2.40(2)(A) in the amount of \$500.00, conditioned upon performance of the obligations contained in the aquaculture lease documents and all applicable statutes and regulations.

## **6. Lease Conditions**

The Commissioner may establish conditions that govern the use of the lease area and impose limitations on aquaculture activities, pursuant to 12 M.R.S.A. § 6072 (7-B) and Chapter 2.37(B). Conditions are designed to encourage the greatest multiple compatible uses of the lease area, while preserving the exclusive rights of the lessee to the extent necessary to carry out the purposes of the lease. No conditions have been imposed on this lease.

## **7. Revocation of Lease**

The Commissioner may commence revocation procedures upon determining, pursuant to 12 M.R.S.A. § 6072(11), that no substantial aquaculture has been conducted over the course of the lease, that the lease activities are substantially injurious to marine organisms or public health, or that any condition of the lease or any minimum lease maintenance standard has been violated.

Dated: 5-13-2026

  
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**Carl J Wilson, Commissioner**  
**Department of Marine Resources**

Appendix

**Granted Lease Coordinates**

Corner	Latitude	Longitude
NW	43.757561°	-70.175711° then 404.5 feet at 123o True to
NE	43.756951°	-70.174431° then 1,001.5 feet at 214o True to
SE	43.754693°	-70.176590° then 400.5 feet at 303o True to
SW	43.755297°	-70.177856° then 1,001.3 feet at 34o True to NW