

Experimental Aquaculture Lease Application
Suspended Culture of Marine Algae
New Meadows River, Harpswell

NMR DIx

Findings of Fact, Conclusions of Law, and Decision

Benjamin Weeks applied to the Department of Marine Resources (DMR) for a three-year experimental aquaculture lease on 3.33¹ acres located east of Dingley Island in the New Meadows River, Harpswell, Cumberland County. The proposal is for the suspended culture of sugar kelp (*Saccharina latissima*). The proposal is for commercial research and development.

1. Proceedings

DMR accepted the final application as complete on May 4, 2023. Notice of the completed application and the 30-day public comment period was provided to state agencies, the Town of Harpswell, riparian landowners within 1,000 feet of the proposed site, and subscribers to DMR's aquaculture email listserv. On May 23, 2023, DMR sent a Harbormaster Questionnaire to the Harbormaster for the Town of Harpswell, 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 August 9, 2023. On May 26, 2023, notice of the complete application and comment period was published in *The Forecaster*. Title 12 M.R.S.A. § 6072-A(6) provides that the Commissioner shall hold a public hearing if five or more persons² request a public hearing within the 30-day comment period. The comment deadline ended on June 25, 2023. No requests for a public hearing were received during the comment period. However, the Harbormaster's response expressed concerns about potential impacts to navigation. Therefore, DMR elected to hold a public hearing for this application. 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 October 19, 2025. The deadline for requesting intervenor status was October 19, 2025. No applications for intervenor status were received by DMR. One individual registered to participate in the hearing, but did not provide testimony. On November 3, 2025, DMR held a public hearing on this application.

¹ Applicant originally requested 4.0 acres. DMR calculations indicate the area is 3.33 acres.

² Title 12 M.R.S.A. §6072-A (6) now requires 10 or more hearing requests to be received for the Commissioner to hold a hearing, however, at the time of this comment period, the requirement was five or more.

Table 1. Individuals who provided sworn testimony at the hearing³.

Name	Affiliation
Benjamin Weeks	Applicant
Darcie Couture	Deputy Harbormaster, Town of Harpswell

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 Maria Eggett. The record was closed on November 3, 2025.

The evidentiary record regarding this lease application includes the application, DMR’s site report dated July 30, 2024, and the case file. The evidence from each of these sources is summarized below.

A. List of Exhibits

1. Case file (CF)
2. Application (App)
3. DMR site report, issued on July 30, 2024 (SR)
4. Exhibit 1 – photograph of iron sea links

The case file, application and site report are referred to in the decision with their designated abbreviations. Additional exhibits are referred to in the decision by their number as indicated in the list of exhibits.

2. Description of the Project

A. Site History

Based on DMR records, no prior aquaculture activities have occurred in the area of this proposed lease site.

B. Proposed Operations

The applicant is proposing to culture sugar kelp using twenty-two 650-foot longlines and ten 220-foot crosslines. The applicant also proposes to use weights, moorings with lines and chains, and buoys (App 22). The depth control buoys, weights, crosslines, and longlines would be removed from June 15 through September 30. Mooring blocks and required lease corner markers would remain on site year-round. Seeding

³ Clifford Goudey, a member of the public, asked questions on cross-examination but did not offer sworn testimony.

would be conducted between October and December and would take approximately one week. Harvesting would take up to one month between April and June. Approximately once every two weeks, a site visit will be conducted to tend the site (App 5).

At the hearing, Benjamin Weeks stated that instead of depth control weights, he proposes to use approximately 200 iron sea links. Benjamin Weeks also stated that following conversations with the Harpswell Aquaculture Advisory Committee and Harbor and Waterfront Committee, he intends to replace the 2,000-pound moorings proposed in the application with 600-pound pyramid anchors (Exhibit 1). The pyramid anchors and associated lines, chains, and buoys would be removed each year when the remainder of the gear is removed, between June 15 to September 30 (Weeks testimony).

The applicant proposes to use a boat with pot hauler and a skiff at the lease site during seeding, tending, and harvesting (App 6).

The applicant has also applied for a second experimental lease, referred to as “Application 2”, which is adjacent to this proposal (App 8). The two proposals share a north-south boundary (Figure 1). Application 2 proposes a 3.18-acre lease for suspended culture of sugar kelp (*Saccharina latissima*) using the same proposed operations as Application 1. If granted, the two sites would be separate experimental lease sites and each site would need to be marked in accordance with Chapter 2.80 of DMR’s regulations.

C. Site Characteristics

Description. On May 30, 2024, DMR scientists assessed the proposed lease site. The shoreline of Long Island and both sides of the New Meadows River are comprised of rocky ledges and some gravel beaches that lead to forested uplands. There is a dense concentration of residential homes in the cove between Long Island and Sebascodegan Island.

Table 2. Approximate distances from proposed lease corners to surrounding features.

Feature	Distance
NE corner to Hen Island at MLW	~4,016’ to the east
SE corner to Basin Point at MLW	~3,155’ to the southeast
SW corner to Dingley Island shoreline at MLW	~1,060’ to the west
NW corner to Long Island at MLW	~521’ to the northwest

With correction for tidal variation, water depths at the corners of the proposal at mean low water (MLW, 0.0 feet) are calculated to be from 33 to 48 feet. DMR scientists observed the bottom characteristics

of the proposed lease site via a remotely operated vehicle (ROV). The bottom of the proposed lease site is composed of mud (SR 2).

Growing Area Classification. 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.

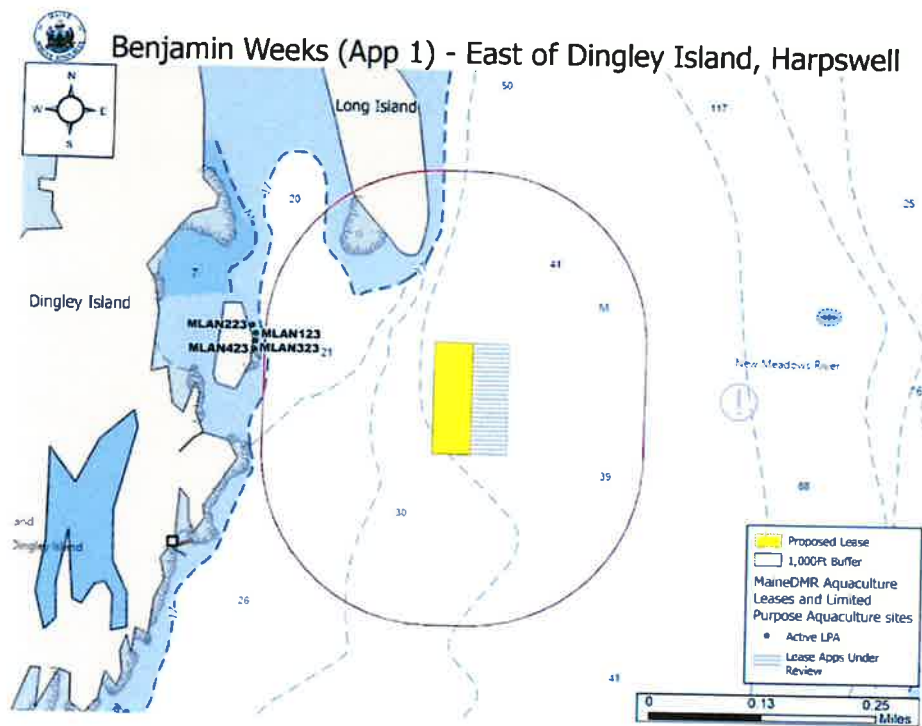


Figure 1. Proposed lease site and surrounding area⁴

3. Legal Criteria and Findings of Fact

Approval of experimental aquaculture leases is governed by 12 M.R.S.A. § 6072-A and Chapter 2 of DMR's regulations⁵. The statute and regulations provide that a lease for commercial aquaculture research and development or for scientific research 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 in the area; the ability of the lease site and

⁴ Unless otherwise noted, all figures in this report were created in ArcGIS Pro version 2.9 using digitized NOAA Nautical Charts or geo-referenced aerial photographs provided by The Maine Office of GIS.

⁵ 13-188 C.M.R. ch. 2.

surrounding areas to support existing ecologically significant flora and fauna; and public use or enjoyment within 1,000 feet of beaches, parks, or docking facilities owned by municipal, state, or federal governments. The Commissioner must also determine that the applicant has demonstrated that there is an available source of organisms to be cultured for the lease site.

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-A(13)(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)⁶.

During the May 30, 2024, site visit, DMR did not observe any docks, houses, or moorings within 1,000 feet of the proposal. To the northwest of the proposal, the eastern shore of nearby Sebasteoagan and Dingley Islands and the western shore of Long Island are densely concentrated with residential homes. DMR scientists noted in the general vicinity of the proposal there were 13 piers with floats, two piers without floats, two occupied moorings, and nine unoccupied moorings (Figure 2). One float had kayaks stored on it and several of the nearby floats had small sailboats hauled out and stored on the deck (SR 4).

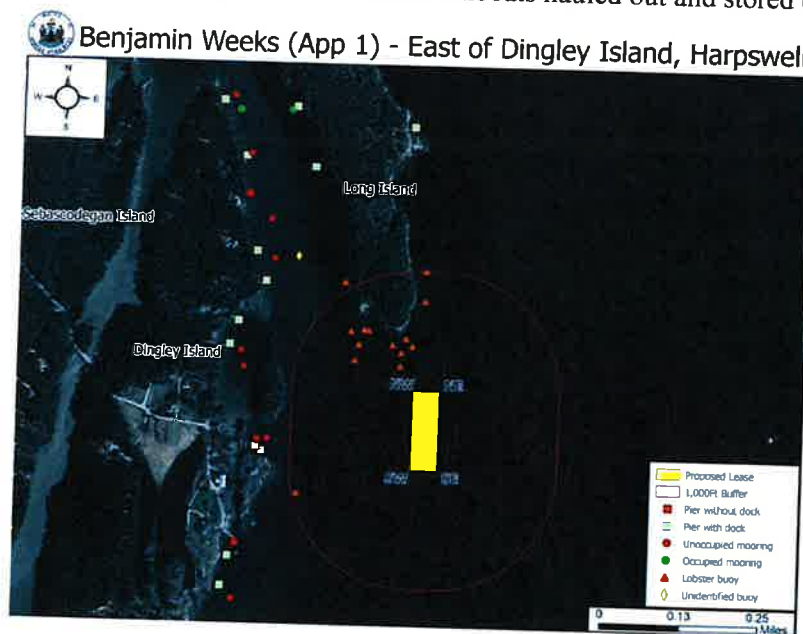


Figure 2. Proposed lease area with site visit observations.

⁶ Some of the lease decision criteria in Ch. 2.37 are applicable to the Commissioner's consideration of experimental lease applications pursuant to Ch. 2.64(11)(A).

The Harbormaster indicated in the Harbormaster Questionnaire that the proposal is unlikely to prohibit riparian ingress and egress (SR 4).

No testimony or evidence was offered at the hearing concerning riparian access.

Given the distance from the proposed lease to any riparian structures, and the seasonal nature of the proposed project, the proposed lease activities will not impede access.

In addition, DMR has considered the effect of Application 2 on riparian ingress and egress and that consideration does not impact this finding.

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-A(13)(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 proposal is located approximately 1,060 feet to the east of the eastern shoreline of Dingley Island at MLW and approximately 521 feet to the south of Long Island at MLW. There is approximately 3,155 feet of navigable water between the SE corner of the proposal and Basin Point on the eastern shore of the New Meadows River at MLW (Figure 3). During the site visit, DMR scientists observed two recreational powerboats. One boat was navigating to the south of the proposal and one navigated westerly through the proposal.

The Harbormaster indicated in the Harbormaster Questionnaire that although the applicant is proposing to operate during the boating off-season, the proposed location could still negatively impact navigation in the area (SR 5).

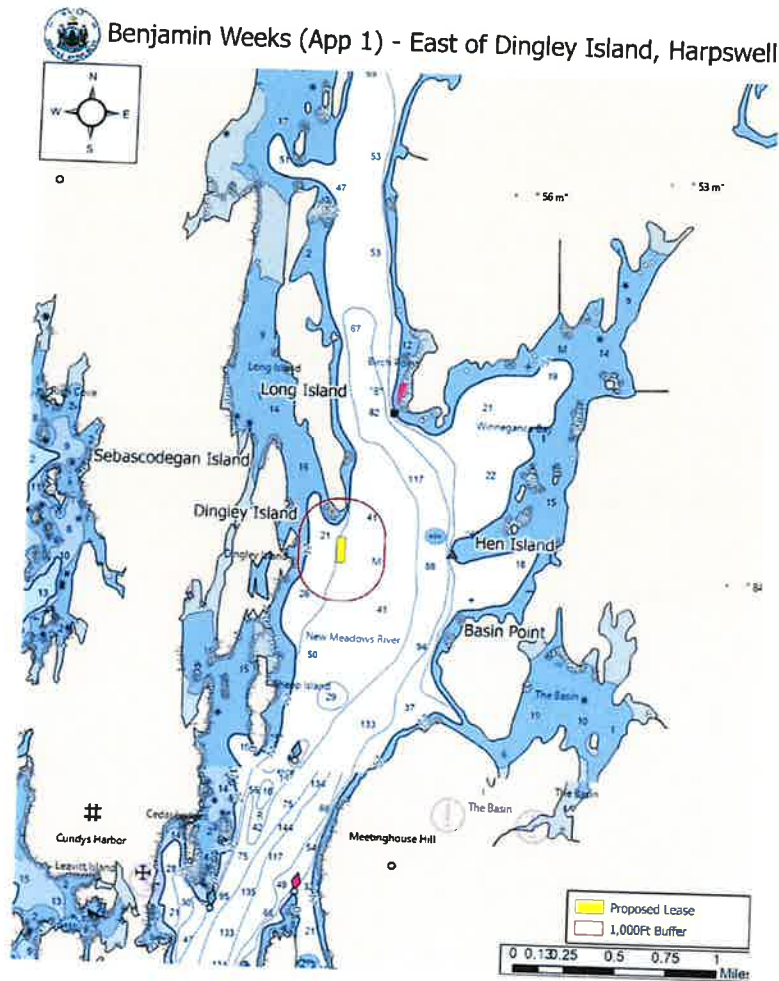


Figure 3. Navigational channels in the vicinity of the proposed lease area.

At the hearing, on cross-examination, the Deputy Harbormaster for Harpswell stated that with the proposed removal of gear (including moorings) seasonally, the Town no longer has concerns about adverse impacts to navigation by the proposed lease (Couture testimony). In response to a question from DMR at the hearing, the Deputy Harbormaster stated that it would be preferable that the lease corner marker buoys also be removed seasonally. Therefore, if approved, this lease will be conditioned that all gear, including moorings and lease corner markers, be removed from May 31 to September 30 each year.

In addition, DMR has considered the effect of Application 2 on navigation and, if granted and similarly conditioned, that consideration does not impact this finding.

Therefore, as conditioned, the aquaculture activities 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-A(13)(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. During the site visit, DMR scientists documented 13 lobster buoys within 1,000 feet of the proposal. DMR recorded the location of buoys closest to the proposal, as seen in Figure 2. During the site visit, DMR scientists observed one lobster boat actively working in the vicinity of the proposal, and one lobster boat transiting through the vicinity of the proposal. The Harbormaster indicated in the Harbormaster Questionnaire that commercial fishing does occasionally occur in the area (SR 6).

According to the application, most lobster fishing in the area occurs approximately 1,000 feet away, however, some does occur within the lease boundaries. The application states the lobster fishing could continue within the lease without impacting the marine algae gear. The application also states that recreational fishing occurs within the lease boundaries in the late summer months. As with lobster fishing, the application states that the recreational fishing could continue if the lease were approved (App 7).

In response to a question from DMR at the hearing, the applicant stated the fisheries in that area, including mackerel, striped bass, and bluefish, are summer fisheries and occur during the timeframe that all gear would be removed from the site (Weeks testimony).

Also in response to a question from DMR at the hearing, the applicant stated that to accommodate the menhaden fishery which has opened as early as June 1, he could remove the gear earlier than the original proposed date of June 15 (Weeks testimony).

The Deputy Harbormaster stated the Town of Harpswell would have concerns about a conflict between the start date for the menhaden season and the date proposed for the removal of the gear. The Deputy Harbormaster further stated that provided the gear could be removed prior to the start of the menhaden season, the Town had no further concerns about impacts to commercial fisheries (Couture testimony). As noted in Section B above, if approved, this lease will be conditioned that all gear, including moorings and lease corner markers, be removed from May 31 to September 30 each year.

While there is documented lobster fishing in the area, it was observed outside of the proposed lease boundaries. Therefore, given the ample space available for commercial and recreational fishing outside of the proposed lease area, and the complete removal of the gear through the summer months, the proposed lease activities will not unreasonably interfere with fishing.

Other Uses. The Harbormaster stated that while the New Meadows River is typically a safe anchorage, it is not often used for that purpose in the winter months (SR 6). The application states that kayaking occurs through the proposed lease boundaries (App 7).

In response to a question from DMR at the hearing, the applicant stated that kayaking occurs in the summer months. The applicant stated that the lease will not impact kayaking, as the kayakers could paddle through the lease site (Weeks testimony). Additionally, during the summer months, all gear would be removed from the site.

In addition, DMR has considered the effect of Application 2 on fishing and other uses and, if granted and similarly conditioned, that consideration does not impact this finding.

Therefore, as conditioned, the aquaculture activities 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-A(13)(C), in evaluating the proposed lease, the commissioner shall take into consideration the number and density of aquaculture leases in an 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 aquaculture leases or limited purpose aquaculture (LPA) sites within 1,000 feet of the proposal (Figure 1). There are four LPAs immediately outside the 1,000-foot buffer: MLAN123, MLAN223, MLAN323, and MLAN423 (Figure 1). The applicant, Benjamin Weeks, has an additional pending experimental lease application (Application 2) located immediately adjacent to this proposal that was deemed complete on 05/04/2023.⁷

No testimony or evidence was offered at the hearing concerning other aquaculture uses of the area. Given the distance to the four LPAs, the lease as proposed will not impact aquaculture operations for the sites.

In addition, DMR has considered the effect of Application 2 on other aquaculture uses and that consideration does not impact this finding.

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

⁷ https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/COMPLETE_5.04.23_Weeks%232_0.pdf

E. Existing System Support

When examining 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-A(13)(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. On May 30, 2024, DMR scientists utilized a ROV to assess the epibenthic ecology of the proposed lease. The relative abundance of epibenthic flora and fauna observed in the video transect is described below in Table 2 (SR 7).

Table 3. Species observed on underwater camera footage.

Species Observed	Abundance
Sand Shrimp (<i>Crangon septemspinosa</i>)	Common

Marine Vegetation. Records of eelgrass collected by the Maine Department of Environmental Protection (MDEP) in 2022 indicate no mapped eelgrass presence in the vicinity of the proposal. The nearest mapped eelgrass is approximately 1,711 feet north of the proposal.⁸ No eelgrass was observed on underwater camera footage within the proposal boundaries during DMR’s site assessment (SR 7).

Wildlife. According to Geographic Information System (GIS) data maintained by the Maine Department of Inland Fisheries and Wildlife (IFW) and available through the Maine Office of GIS (MEGIS), the proposed lease is located approximately 2,431 feet to the northeast of mapped Tidal Waterfowl and Wading Bird Habitat (TWWH). Data collected by the United States Fish and Wildlife Service in 2023⁹ by aerial nest survey shows there are no mapped bald eagle nests in the vicinity of the proposal, although a bald eagle was observed during the site visit by DMR (SR 8).

During the site assessment, DMR scientists observed double-crested cormorant (*Nannopterum auritum*), osprey (*Pandion haliaetus*), common tern (*Sterna hirundo*), moon jellyfish (*Aurelia aurita*), bald eagle (*Haliaeetus leucocephalus*), gray seal (*Halichoerus grypus*), great blue heron (*Ardea herodias*), Canada geese (*Branta canadensis*), American crow (*Corvus brachyrhynchos*), and herring gull (*Larus argentatus*) in the general vicinity of the proposal.

⁸ 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.

⁹ Data obtained from USFWS “Bald_Eagle_Nests_-_Maine_2023”

On June 28, 2023, a Wildlife Biologist with IFW responded by email to a “Request for Agency Review and Comment” stating minimal impacts to wildlife are anticipated for this project (SR 8-9).

No testimony or evidence was offered at the hearing concerning the existing system support of the area.

Given the absence of mapped significant wildlife habitat in close proximity to the proposed lease site, IFW’s comment, and the absence of eelgrass, the proposed activities will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.

In addition, DMR has considered the effect of Application 2 on the existing support system and that consideration does not impact this finding.

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-A(13)(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 applicant proposes to obtain sugar kelp (*Saccharina latissima*) from Atlantic Sea Farms (ASF) (Biddeford, Maine). ASF is an approved source of stock for this species.

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, or docking facility owned by the Federal Government, the State Government or a municipal governmental agency. 12 M.R.S.A. § 6072-A(13)(F). Chapter 2.37(1)(A)(7) and 2.64(11)(A)).

The proposed lease is not within 1,000 feet of any beach, park, or docking facility owned by federal, state, or municipal governments. No testimony or evidence was offered at the hearing concerning public facilities in the area.

In addition, DMR has considered the effect of Application 2 on public facilities and that consideration does not impact this finding.

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

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. As conditioned, the aquaculture activities proposed for this site will not unreasonably interfere with navigation.
- c. As conditioned, the aquaculture activities proposed for this site will not unreasonably interfere with fishing uses of the area, 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, or docking facilities 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.

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

5. Decision

Based on the foregoing, the Commissioner grants an experimental lease to Benjamin Weeks, for 3.33 acres for three years, the term of the lease to begin within 12 months of the date of this decision, on a date chosen by the lessee; however, no aquaculture rights shall accrue in the lease area until the lease is fully executed.

This lease is granted to the lessee for the cultivation of sugar kelp (*Saccharina latissima*) 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 at \$100.00 per acre per year. The lessee shall post a bond or establish an escrow account pursuant to Chapter 2.64(12)(A) in the amount of \$5,000.00 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-A(15) and Chapter 2.64(11)(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. The following condition shall be incorporated into the lease:

1. All gear, including moorings and lease corner markers, shall be removed from May 31 to September 30 each year.

7. Revocation of Lease

The Commissioner may commence revocation procedures upon determining pursuant to 12 M.R.S.A. §6072-A(22) that no substantial aquaculture or research has been conducted on the site over the course of the lease, that aquaculture has been conducted in a manner substantially injurious to marine organisms, or that any condition of the lease or any applicable laws or regulations have been violated.

Dated: 6.4.2026



Carl J. Wilson, Commissioner
Department of Marine Resources

Appendix

Granted Lease Coordinates

<u>Corner</u>	<u>Latitude</u>	<u>Longitude</u>	
NW	43.816744°	-69.875508°	then 221.43 feet at 91° True to
NE	43.816744°	-69.874669°	then 655.14 feet at 180° True to
SE	43.814947°	-69.874669°	then 221.43 feet at 271° True to
SW	43.814947°	-69.875508°	then 655.14 feet at 360° True to NW