

## EXPERIMENTAL LEASE APPLICATION

### 1. APPLICANT CONTACT INFORMATION

Applicant	Thomas Martin
Contact Person	Thomas Martin
Address	10 Rocky Hill Rd.
City	Cape Elizabeth
State, Zip	ME 04107
County	Cumberland
Telephone	207-233-2026
Email	info@luckycatch.com
Payment Type	<input checked="" type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card

*Note: The email address you list here will be the primary means by which we will contact you. Please provide an email address checked regularly. If you do not use email, please leave this blank.*

### 2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	Falmouth
Waterbody	Casco Bay
General Description (e.g. south of B Island)	East of the Brothers Islands
Lease Information	
Total acreage (4-acre maximum) and lease term (3-year maximum) requested	• 15 Acre 3 year term
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) <input type="checkbox"/> Net Pen (finfish)
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: "17. Landowner/Municipal Permission Requirements".

### 3. GROWING AREA DESIGNATION

**Directions:** Information for growing area designations can be found here:

<https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>

Growing Area Designation (e.g. "WL"):	WI
Growing Area Section (e.g. "A1"):	A1

**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](mailto:DMRPublicHealthDiv@maine.gov)

### 4. GENERAL LEASE INFORMATION

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

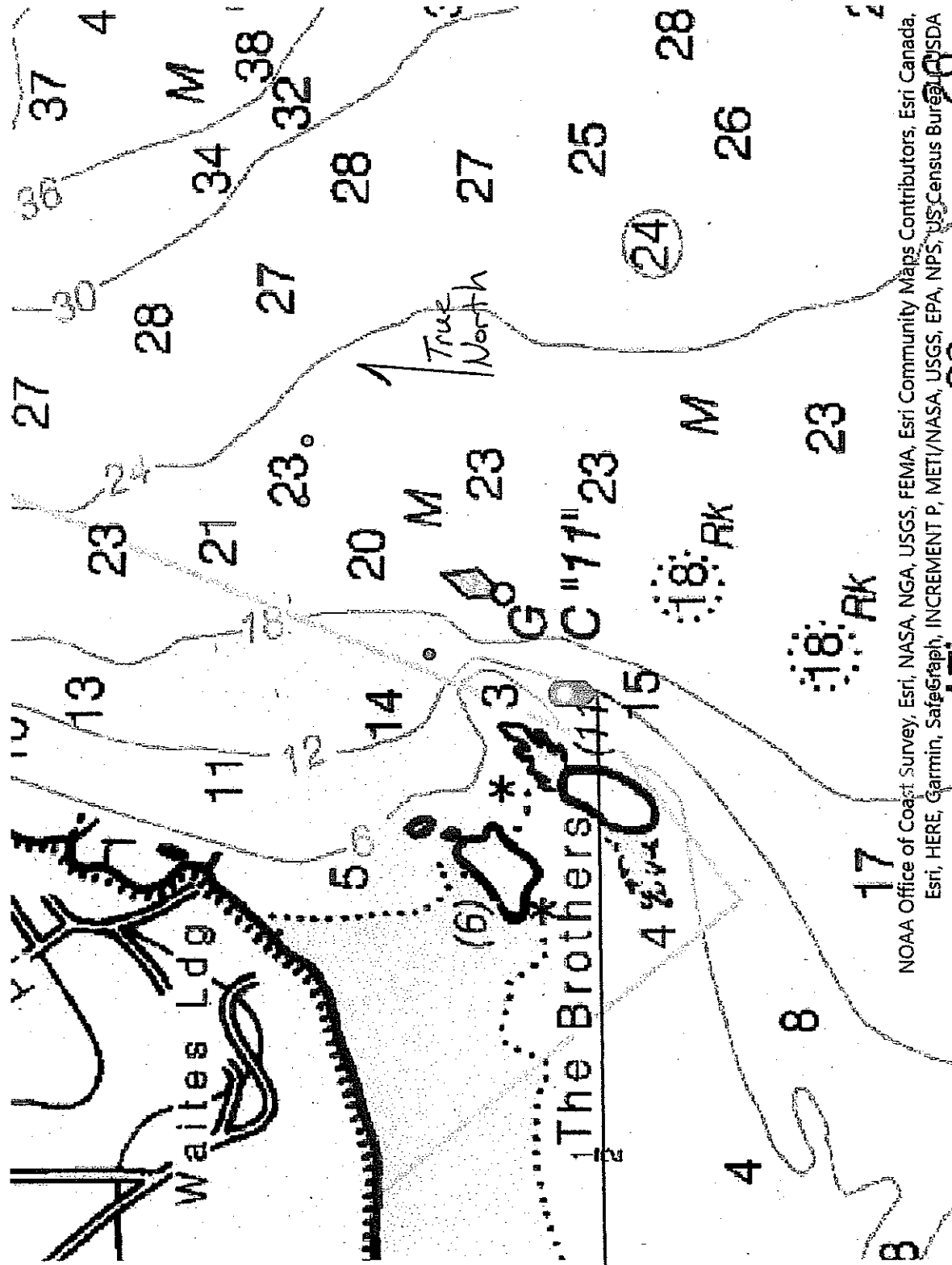
Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock or juveniles	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1. American or Eastern Oyster <i>Crassostrea Virginica</i>	Muscongus Bay Aquaculture Bremen, ME	20,000.
2.		
3.		
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 your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

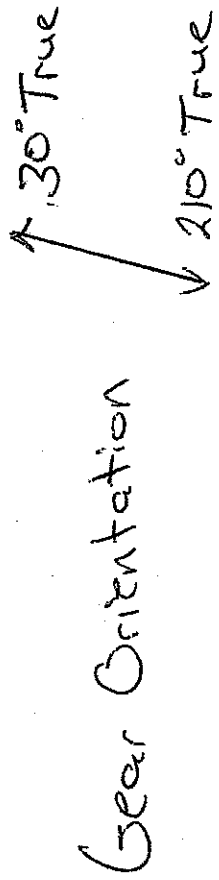
**Note:** If you are proposing to grow molluscan shellfish, this application also serves as your written operational plan as required in the National Shellfish Sanitation Program (NSSP) Model Ordinance Chapter 2, and must be maintained in your files. If you wish to submit an operational plan separate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

# Vicinity Map



NOAA Office of Coast Survey, Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Esri Canada, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Coordinates  
derived from  
IMR  
Aqueous  
Map



NOAA Office of Coast Survey Sources: Esri, Airbus DS, USGS, NOAA, NASA, CGAR, N. Robinson, NCEAS, NLIS, OS, NMMA, Geodatastyrelsen, Rijkswaterstaat, SSA, Geoportal, FEMA, Intermap and the GIS user community; Esri Community Maps Contributions; Esri OpenStreetMap Contributors; Esri Canada; Esri HERE; Garmin; SafeGraph; INCREMENT P; METI/NASA; USGS; EPA; NPS; US Census Bureau; USDA.

## 7. RESEARCH PROGRAM AND OPERATIONS

**Directions:** If you are cultivating more than one species, you will need to provide the below information for each species. Please attach a separate page if needed.

A. Type of study (check one): ☐ Scientific Research ☒ Commercial Research

Please note:

a) Scientific research is not kept confidential.

b) Experimental leases for commercial research are not renewable. Results of commercial research are kept confidential.

B. What is the purpose of the study? If scientific, please include a detailed study design.

Determine the viability of this location for growing oysters from 1-3 years

C. Describe the general culture process for each species proposed.

Crassostrea Virginica stock will be purchased from Muscongus Bay Aquaculture and placed in floating semi rigid bags. All gear will be floating in late spring, summer and early fall and removed or on the bottom in late fall, winter and early spring.

D. What months will the proposed activities (i.e. seeding, tending, and harvesting) occur?

Seeding, tending and harvesting will occur from May through October.

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

We intend to be at the site 2 days per week.

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

We intend to perform Maintenance on the site one to two days per week.

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

There will be no drag used on the site. Harvesting will be performed manually by hand via small boat. All product will be sorted, culled and harvested by hand. Ice will be available for any product being removed from the site.

**H. 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 moved from the site.**

Product and gear will be submerged on site during the winter.

**I. What type of machinery (e.g. generator, drag, grading equipment, etc.) will you be using on the site? When and how often will the machinery be used?**

No machinery will be used. N/A

**J. 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 only predator techniques will be bird deterrents. Semi rigid bags will have plastic tie wraps protruding along the edges and center of bags as deterrents to water fowl.

## 8. EXISTING USES

**Directions:** Describe the existing uses of the proposed area. Please include the amount of activity, the time of year the activity occurs, frequency, and proximity to the lease site.

**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 c) frequency, and d) proximity to the lease site for each existing use.**

### 1. Commercial Fishing

Lobstering in the general area. Extremely low trap density in this specific area.

### 2. Recreational Fishing

Striped Bass in the general area. Extremely rare in this specific area.

### 3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)

Both power and sail. Most boat traffic is much further east of this area. This area is not close to a channel.

4. Ingress and egress (i.e. coming and going) of shorefront property owners within 1,000 feet of the proposal (e.g. docks, moorings, landing boats on shore, etc.)

The only shorefront property within 1,000 ft. is uninhabited and there are no docks, moorings or landings

5. Other uses (kayaking, swimming, etc.)

Kayaking and swimming extremely rare if at all.

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 proposed lease.

There are no docks, moorings or other access points within 1,000 ft.

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

There are no docks, moorings, beaches, parks within 1,000 ft.

D. Are there any Limited Purpose Aquaculture (LPA) licenses or aquaculture leases within 1,000 feet of your proposed lease site? If yes, please list their acronyms below.

Current and pending aquaculture leases and active LPA licenses may be found here:  
<https://www.maine.gov/dmr/aquaculture/leases/index.html>

LPA T MAR 121



**9. 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.**

Only TMAR 121

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

If this experimental lease is granted I would relinquish TMAR 121

**10. 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.**

None

# 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?

Approximate depths are 14'-16' at mean low water

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

Approximate depths are 23'-25' at mean high water

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

Approximate current is 1.5 knots and flows NE on flood and SW on Ebb.

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.)?

We will submit video - Mud

Link to video: <https://www.youtube.com/watch?v=XOnXHI8srMc>

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

Video - Flat

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?

Green crabs common - Video

4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.

No shellfish beds or fish migration routes

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.

Video will be submitted. Casco Bay eelgrass study indicates nothing in the proposed area.

6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)

Two uninhabited islands with rocky shoreline, grass and trees. Approximately three acres each. Beyond is sparsely populated residential and forested.

E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?

☐ Yes ☒ No

**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>

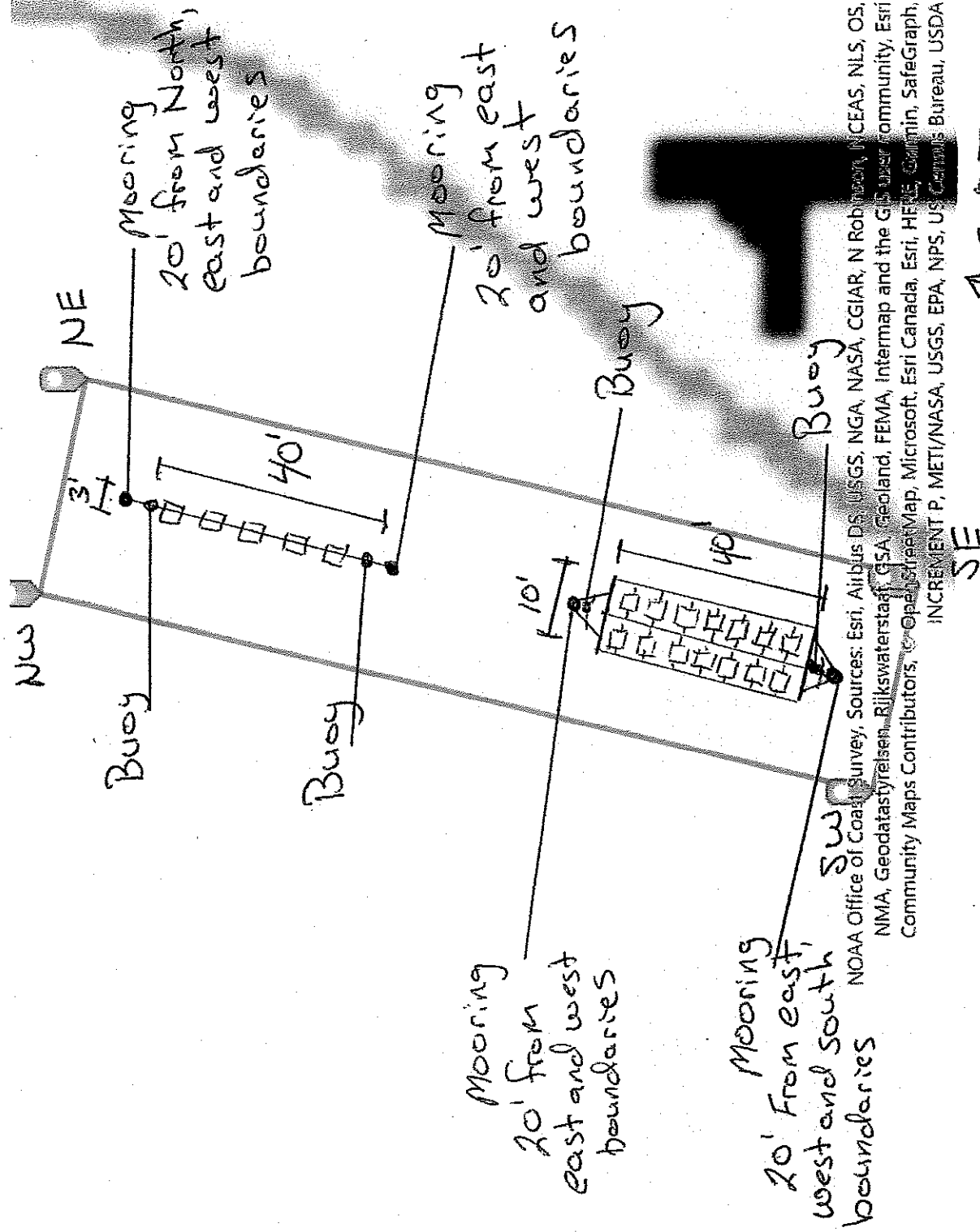
**If a project is located within an Essential Habitat**, applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator ([John.Perry@maine.gov](mailto:John.Perry@maine.gov), phone: 207-287-5254) prior to application submission.

F. Will your operations discharge anything into the water such as feed (pellets, kelp, etc.) or chemical additives (therapeutants, chemical treatments, etc.)?

☐ Yes ☒ No

**Note:** If you answered yes, you must submit a video of the bottom using a method prescribed by the Department. The video must be filmed between April 1 and November 15. If a discharge is proposed you will also need to obtain a Maine Department of Environmental Protection (DEP) discharge permit. For information on this permit please contact DEP's Wastewater Licensing Program ([Gregg.wood@maine.gov](mailto:Gregg.wood@maine.gov), 207-287-7693). Further sampling may be required by DMR, or DEP, depending on the characteristics of the site or the proposed activities.

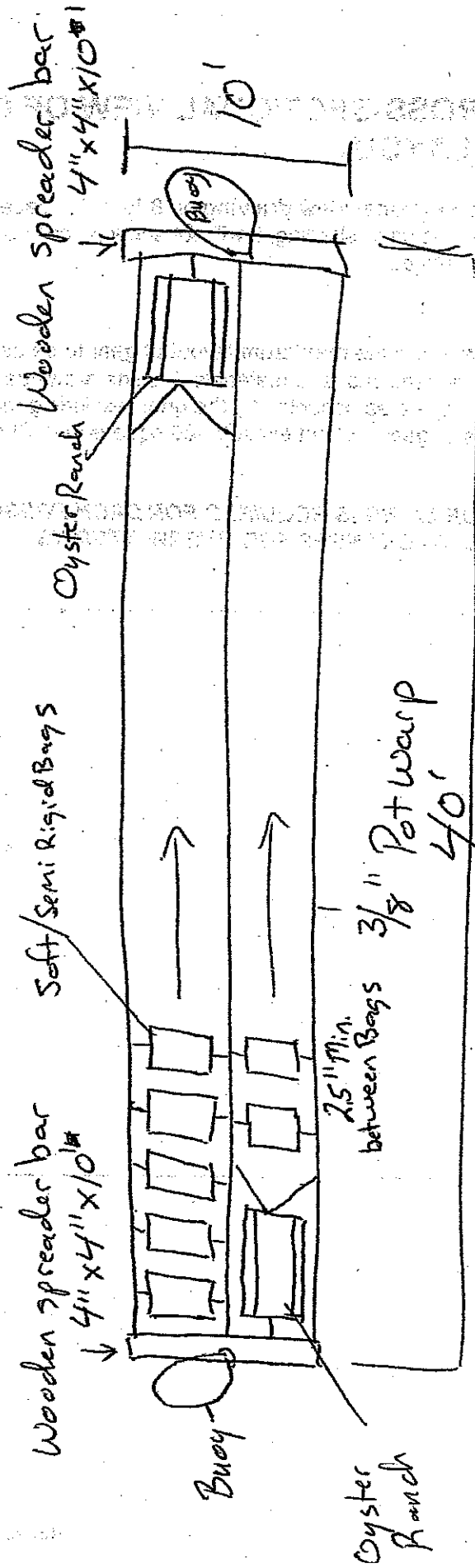
# Overhead View



NOAA Office of Coastal Survey, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyren, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, OpenStreetMap, Microsoft, Esri Canada, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Gear orientation

# Overhead View

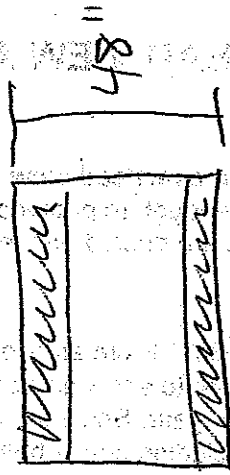
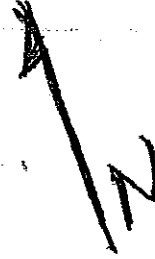


Soft/Semi Rigid Bags

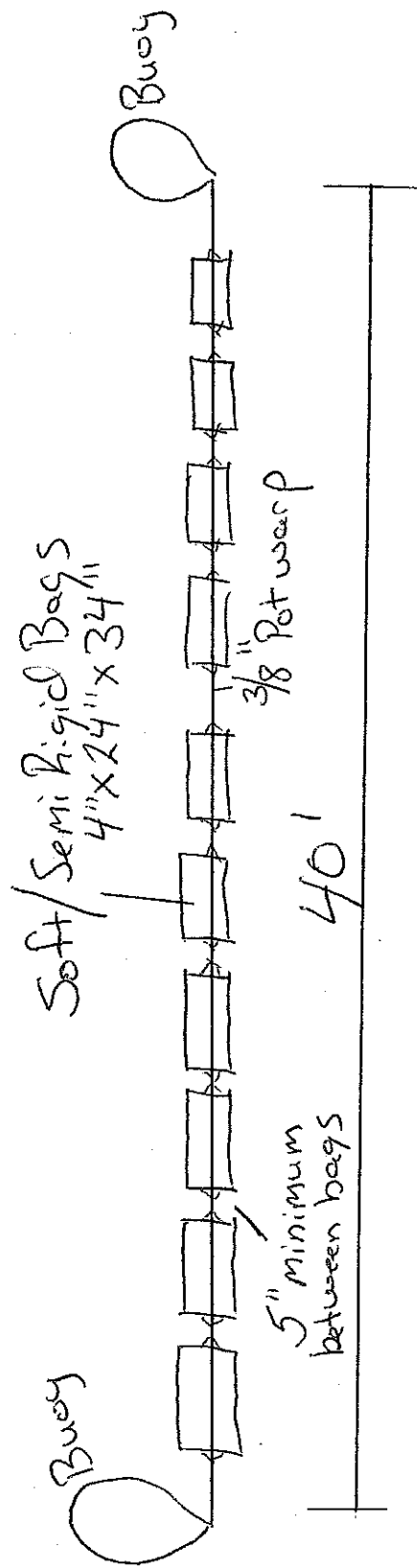
4" x 24" x 34"

Maximum 36 total Bags

Maximum 2 Oyster Ranch Cages

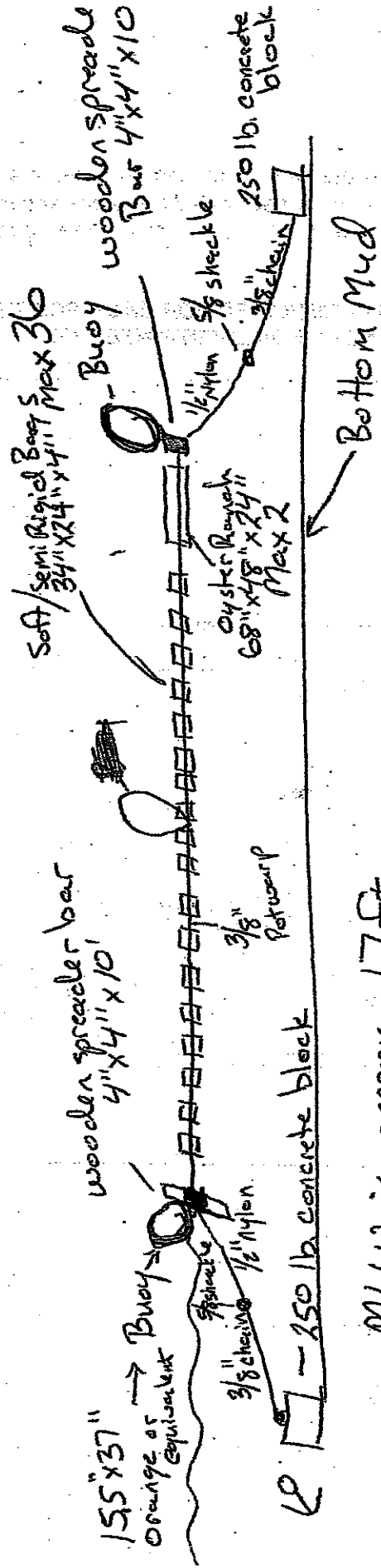


# Overhead Views #2 (no spreader bar)



Maximum 12 Bags

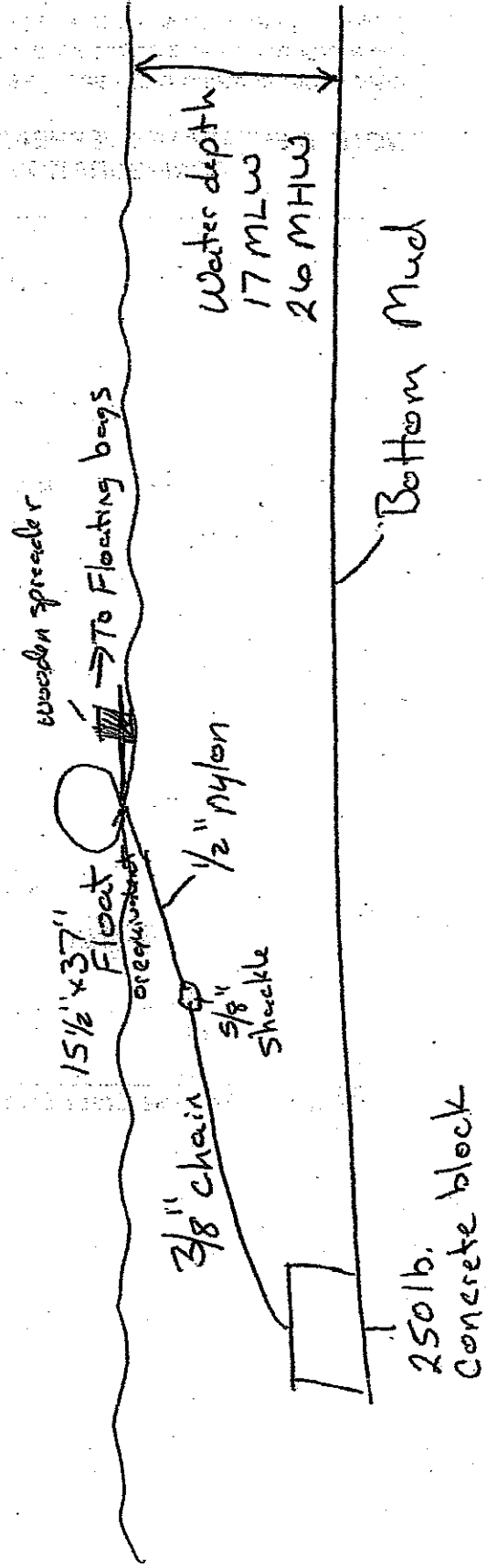
# Cross Section View



MLW is approx. 17 ft.

MHW is approx. 26 ft.

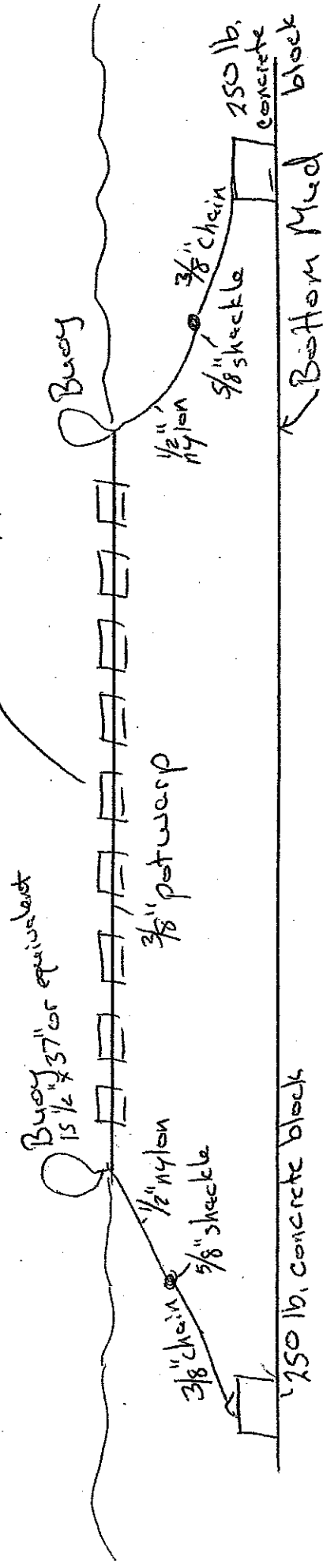
Mooring lines are set at 2 to 1 slope at high tide





# Cross Section View #2 (No spreader bar)

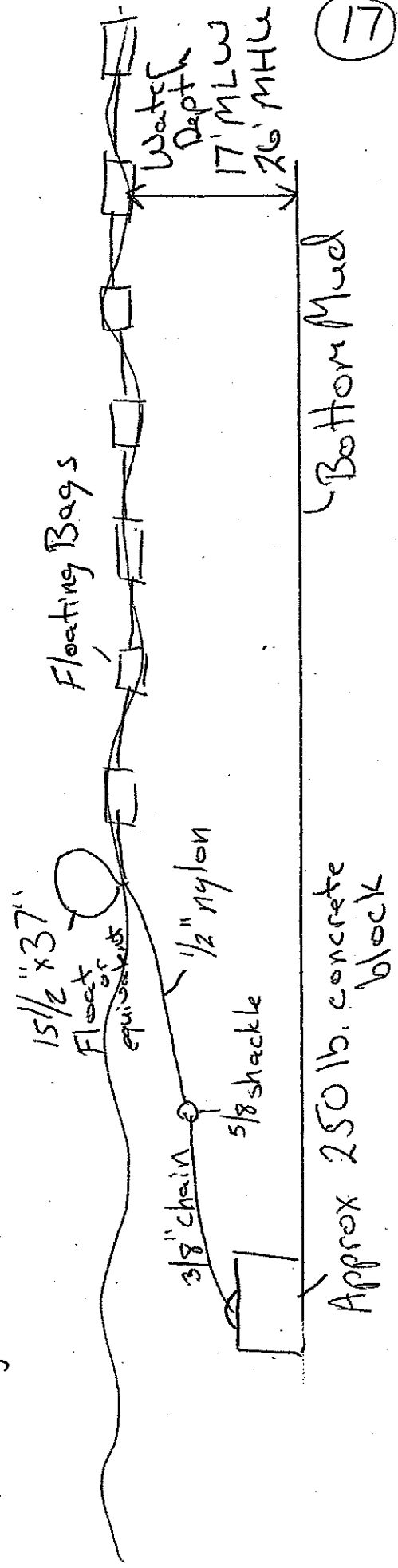
Soft/Semi Rigid Bags Max 12  
4" x 24" x 34"



MLW is approx 17 ft

MHW is approx 26 ft.

Mooring lines Set at 2 to 1 slope at MHW



Approx 250 lb. concrete block

Bottom Mud

### C) Gear Description

**Directions:** List and describe each individual gear type that you will use in the table below.

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
Semi Rigid Bags	4"x24"x34"	<del>May - October</del> 12 MOS.	48	Crassostrea Virginica
Oyster Ranch Floating cage	24"x48"x64"	12 MOS.	2	Crassostrea Virginica

### D) Gear Drawing (please label this "Gear Drawing").

**Directions:** Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. The drawing(s) needs to depict the length, width, and height of each gear type with appropriate units referenced (i.e. 10in, 10ft, etc.).

### 13. MARKING

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? In part, this requires marker buoys which clearly display the lease ID and the words SEA FARM to be located at each corner of the lease.

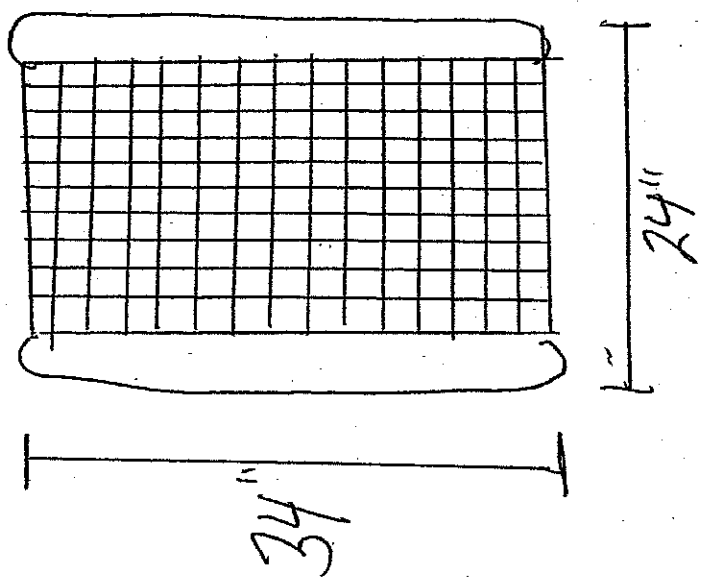
☒ Yes    ☐ No

If you answered no, explain why and suggest alternate markings.

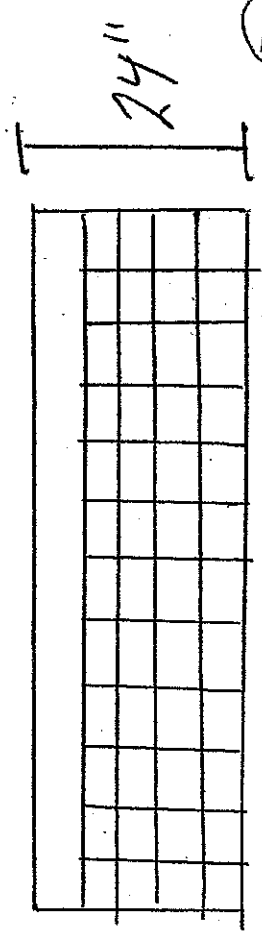
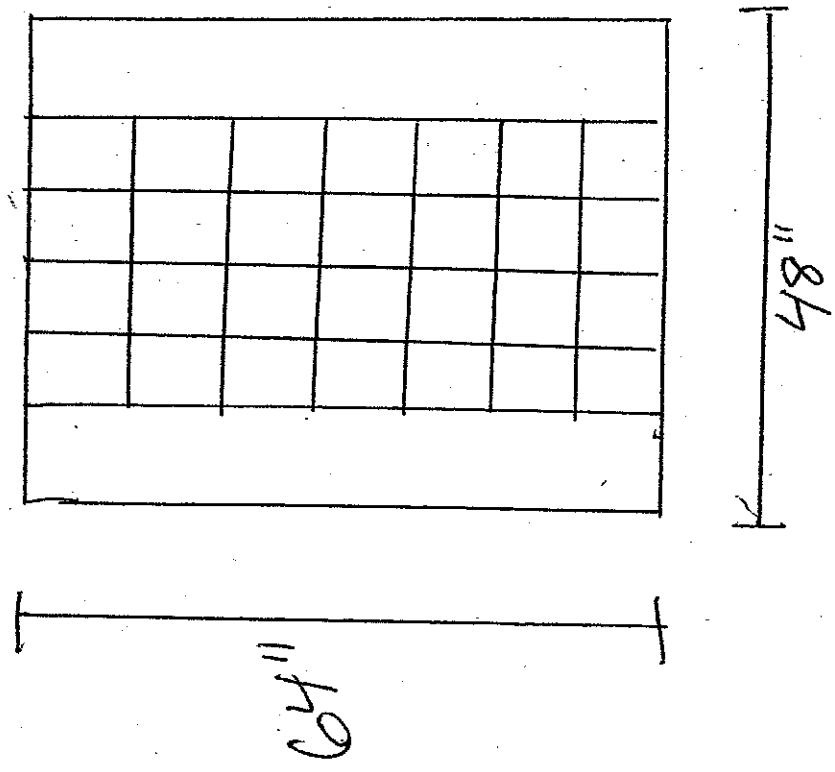
**Note:** If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard regulations contact: 1<sup>st</sup> Coast Guard District, Aids to Navigation Office.

# Gear Drawing

Semi Rigid Bags



Oyster Ranch



#### 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, according to NOAA charts), 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. Refer to the riparian determination guidance document to ensure all riparian landowners are included:  
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>
3. If any portion of the site is intertidal you need to complete the steps outlined in "17. Landowner/Municipal Permission Requirements".

<b>B. Will your access to the lease area be across riparian land?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--

**Note:** If you selected yes, you will need to complete the landowner permission requirements included in "17. Landowner/Municipal Permission Requirements" of this application.

<b>C. How will you access the proposed site?</b>
Boat from Portland

## RIPARIAN LANDOWNER LIST

THIS LIST MUST BE CERTIFIED BY THE TOWN CLERK

On this list, please include the map number, lot number, and the current owners' names and mailing addresses for all shorefront parcels within 1,000 feet of the lease site. 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 riparian parcels are located within more than one municipality, provide a separate, tax map and certified riparian list for each municipality.

TOWN OF: Falmouth

MAP #	LOT #	Landowner name(s) and address(es)
410	R02-003	Violetta L Otis 17 Foreside Rd., Falmouth, ME
410	R02-002	Violetta Otis 17 Foreside Rd., Falmouth, ME

Please use additional sheets if necessary and attach hereto.

### CERTIFICATION

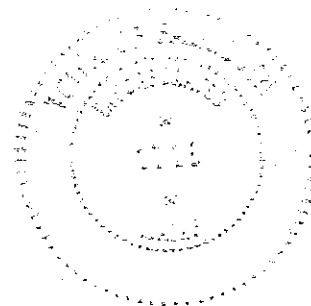
I, Ellen Planer, Town Clerk for the Town of Falmouth certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

SIGNED:

Ellen Planer

DATE:

11-15-21



## 22



300 ft. Boundary

from NW and SW corners of proposed lease

C-1;

10

22

15

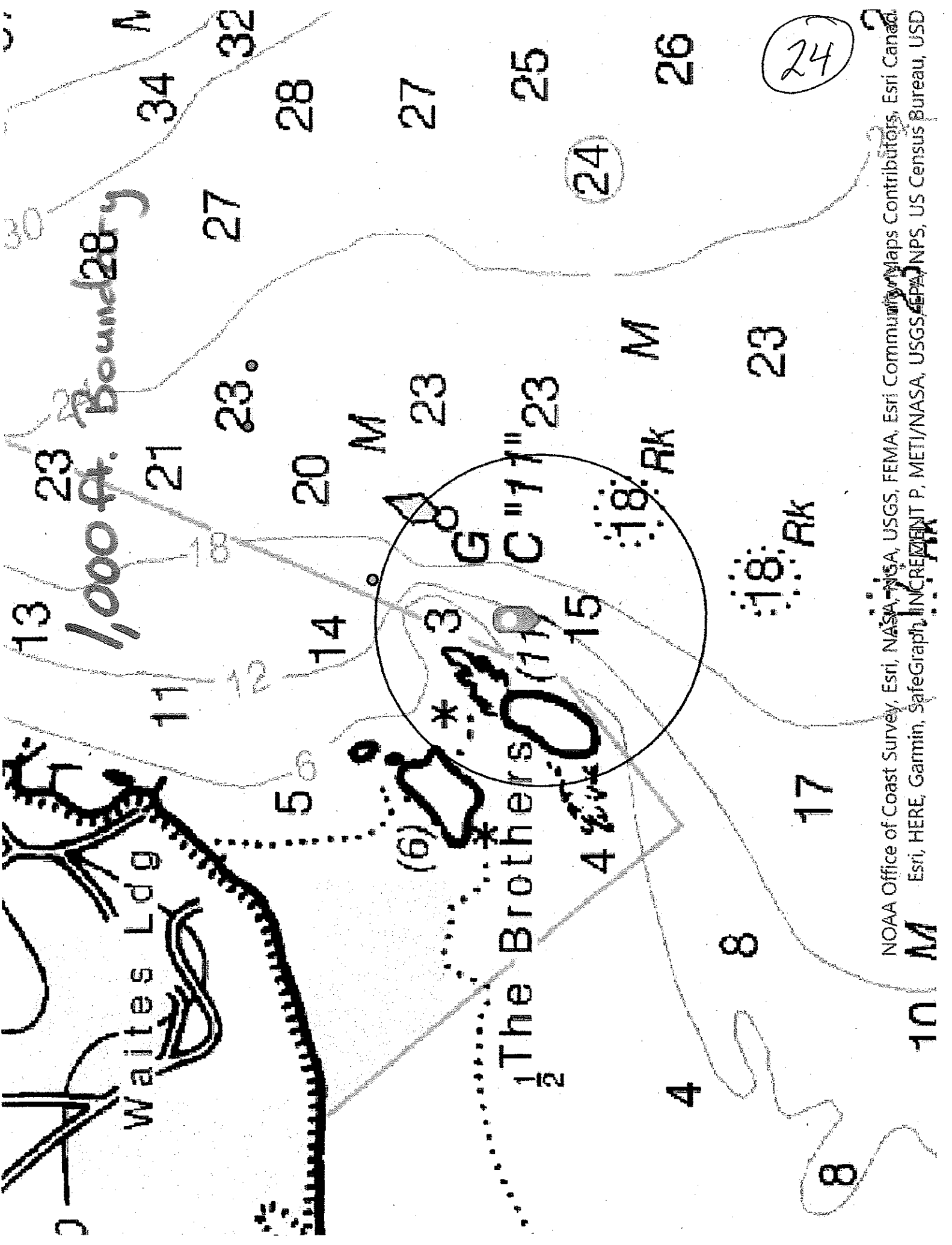
18

M

20

NOAA Office of Coast Survey. Sources: Esri, Airbus DS, USGS, NASA, CGIAR, N Robinson, INCISAS, NLS, OS,  
NMA, Geodatastyreisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS User community, Esri  
Community Maps Contributors, © OpenStreetMap, Microsoft, Esri Canada, Esri, HERE, Garmin, SafeGraph,  
INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

7



Waites Ldg

1,000 ft. Bound

The Brothers

C "11" 23  
G "11" 23

24



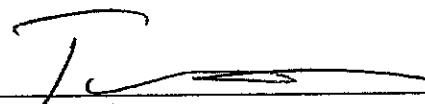
### 15. ESCROW ACCOUNT OR PERFORMANCE BOND

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 feet of structure.

escrow account or obtain a performance bond, depending on the category of lease.

  
\_\_\_\_\_  
**Applicant Signature**

11/15/21  
\_\_\_\_\_  
**Date**

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

**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) N/A have read DMR Aquaculture Regulations 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, depending on the category of lease.

\_\_\_\_\_  
**Applicant Signature**  
*Note: Add title if signing on behalf of a corporate applicant.*

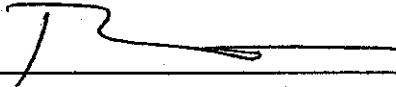
\_\_\_\_\_  
**Date**

**16. 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 experimental lease process.

Printed name: Thomas Martin

Title (if corporate applicant): N/A

Signature:  Date: 11/15/21

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 (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.

## 17. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS (if applicable)

### PART I: The use of private property to access your site.

N/A

Pursuant to 2.64(C)(6) if you are using private property to access the proposed lease/site, you need to submit written permission from the property owner with your application. It is your responsibility to obtain written permission. Please note that the Department does not provide forms for landowner or municipal permission. **If any portion of your site is also intertidal you will need to complete the steps outlined in Part II, below.**

### PART II: If any portion of the site is intertidal you need to complete the following steps:

#### Step I: Obtain written permission from all intertidal landowners.

Pursuant to 2.64(C)(6) the Department requires *written permission of every owner of intertidal land in, on, or over which the experimental 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.

1. Does the municipality, where the proposed site is located, have a shellfish conservation program? ☐ Yes ☐ No

N/A

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