

## STANDARD LEASE APPLICATION: NON-DISCHARGE

### 1. APPLICANT CONTACT INFORMATION

Applicant	Robert E. Brewer		
Contact Person	Robert Brewer or Donna Brewer		
Address	140 Stanley Field Drive		
City	Deer Isle ME.		
State, Zip	ME 04627		
County	Hancock		
Telephone	(207-217-4659) or (207-367-5100)		
Email	Marsden.Brewer@yahoo.com		
Type of Application	<input checked="" type="checkbox"/> Draft Application [submitted before scoping session session] <input checked="" type="checkbox"/> Final Application [submitted after scoping session]		
Dates	Pre-Application Meeting: 2-9-23	Draft Application Submitted:	Scoping Session: 2-5-24
Payment Type	Draft Application: <input checked="" type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card		Final Application: <input type="checkbox"/> Check (included) <input checked="" 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 that is checked regularly. If you do not use email, please leave this blank.

### 2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	Deer Isle
Waterbody	East Penobscot Bay
General Description (e.g. south of B Island)	NW of Sellers Rock
Lease Information	
Total acreage requested (100-acre maximum)	4
Lease term requested (20-year maximum)	20
Type of culture (check all that apply)	<input type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom)
Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

### 3. 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):	EE (A)
Growing Area Section (e.g. "A1"):	(A)

**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. SPECIES INFORMATION

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

Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock or juveniles	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1. Sea Scallop <i>Placopecten Magellanicus</i>	Robert Brewer 190 Stanleyfield Dr. Deer Isle ME 04627 (Wild Seed Stock)	2 million
2. Sugar Kelp <i>Sacccharina latissima</i>	Natural Set on Scallop gear	> 1 Ton
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)

*We have discussed our plans w/ David Miller and Khol and realize that scallops have special testing requirements*

**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)

## 5. VICINITY MAP

**Note:** Please label as: 'Vicinity Map'.

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

The map needs to display the following:

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

## 6. BOUNDARY DRAWING

**Note:** Please label as: 'Boundary Drawing'.

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

- Coordinate Description

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

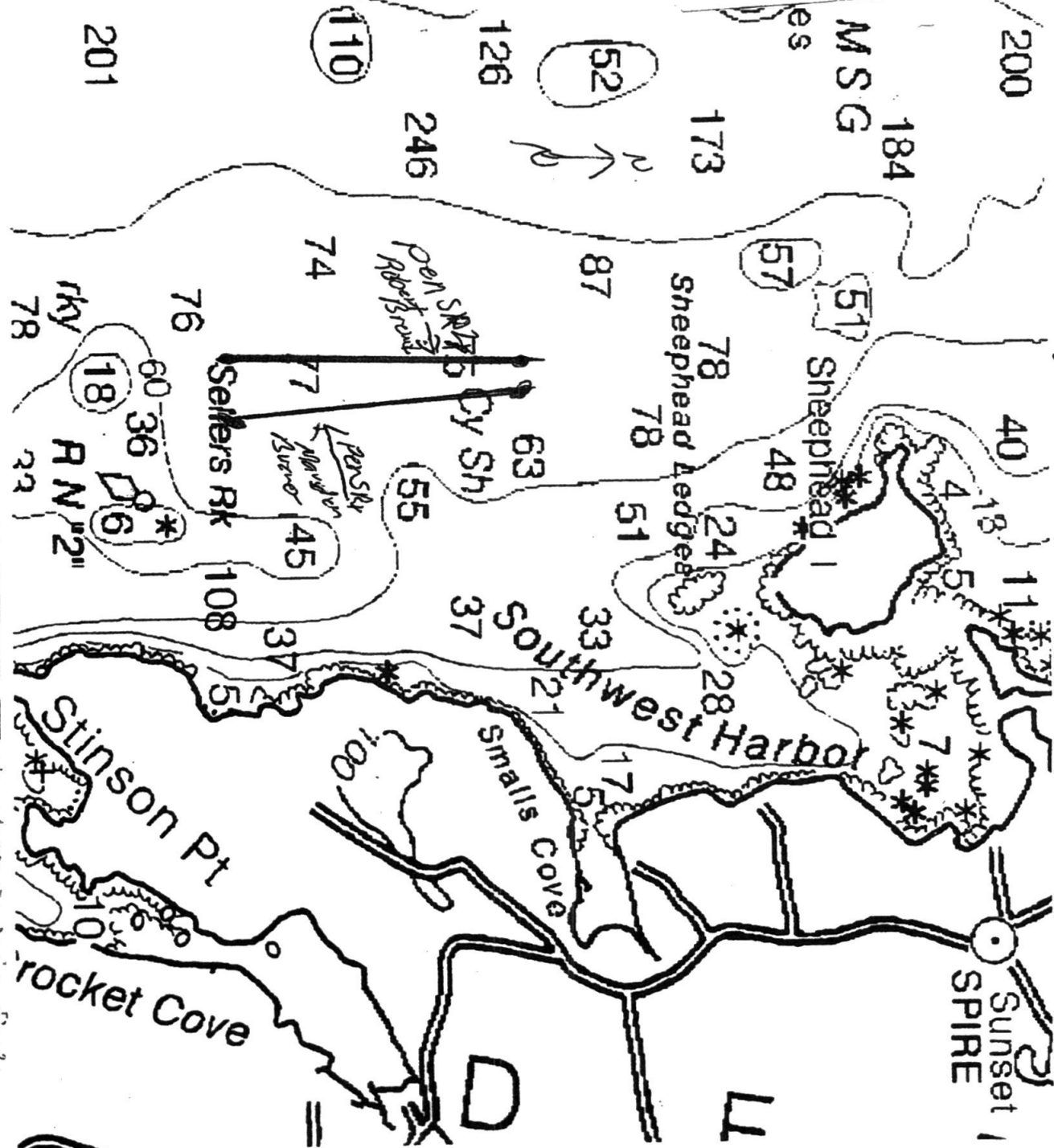
# Vicinity Map + Boundary drawing

DEN-SK 2x  
 NW corner 44.189284°  
 -68.735439°  
 NE corner 44.189269°  
 -68.735287°  
 SE corner 44.177426°  
 -68.737601°  
 SW corner 44.177452°  
 -68.737749°



Tachsm  
 Review in th  
 94

h (57)  
 86  
 138  
 110  
 108  
 201  
 99





## 7. SITE DEVELOPMENT

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

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

### A. Gear Information

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

1. **Gear Drawing:** Please include the following for each gear type that will hold organisms to be cultured (e.g. polar circles, marine algae longlines, oyster cages) and label as "Gear Drawing". This view must show the following:
  - Length, width, and height of each gear type.

2. **Gear Table:** List and describe each individual gear type that you will use in the table below. (e.g. polar circles, marine algae longline, oyster cages, moorings, mooring lines, buoys, etc.).

Specific Gear Type (e.g. soft mesh bag)	Dimensions (e.g. 16"x20"x2")	Time of year gear will be deployed (e.g. Spring, Winter, etc.)	Maximum amount of this gear type that will be deployed on the site (i.e. 200 cages, 100 lantern nets, etc.)	Species that will be grown using this gear type
Lantern Nets	20" diameter 6' long	year Round	1000	Scallops
Spat Bags	14" x 30"	Dec-Aug	400	Scallops
Earthing Balls	16"	year Round	300	Scallops Kelp
1 1/4" Rope	1080' x 1 1/4"	year Round	4350'	Scallops Kelp
3/4" chain	10' x 3/4"	year Round	80'	Scallops Kelp

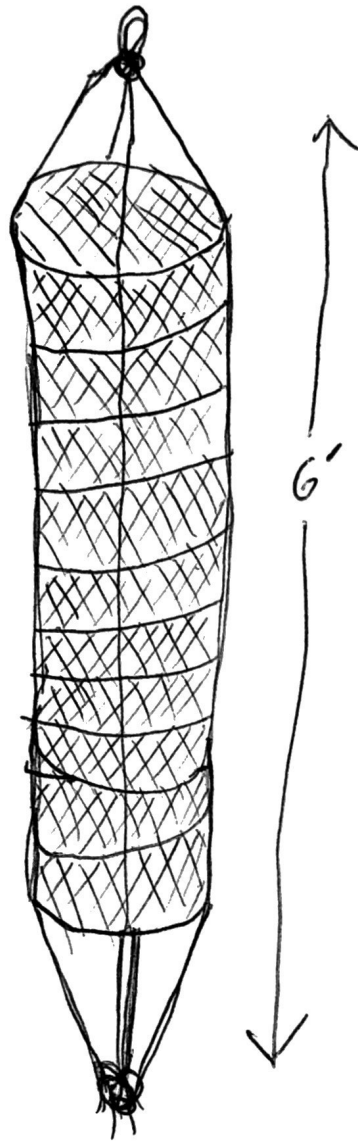
2.5 ton granite Block year Round 5'

7/8" steel shackles 8

Scallops  
Kelp

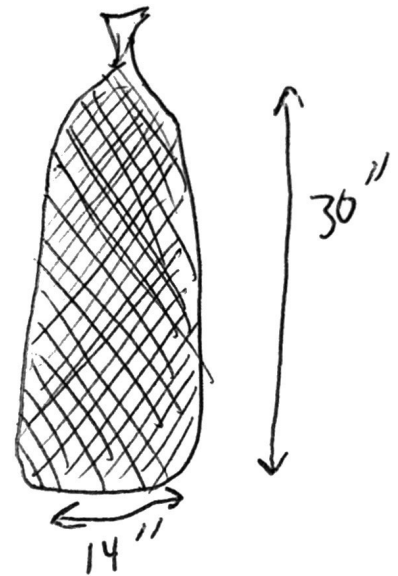
# 7A1 Gear Drawing

Lantern Net



20" Diameter

Spot Bag



**B. Maximum Structure and Mooring System Schematic**

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

1. Overhead View. Please include the following and label as “Overhead View”:
  - Maximum layout of gear, including moorings.
  - Length and width of project.
  - Approximate spacing between gear.
  - Lease boundaries and the location of proposed corner markers and any additional gear markers that would be present.
2. Cross-Section View. Please include the following and label as “Cross-Section View”:
  - The sea bottom.
  - Profile of gear in cross-section as it will be deployed.
  - Label gear with dimensions and materials.
  - Show mooring gear with mooring type, scope, hardware, and line type and size.
  - Depth of gear in relation to the water’s surface at mean low water and mean high water (if applicable).

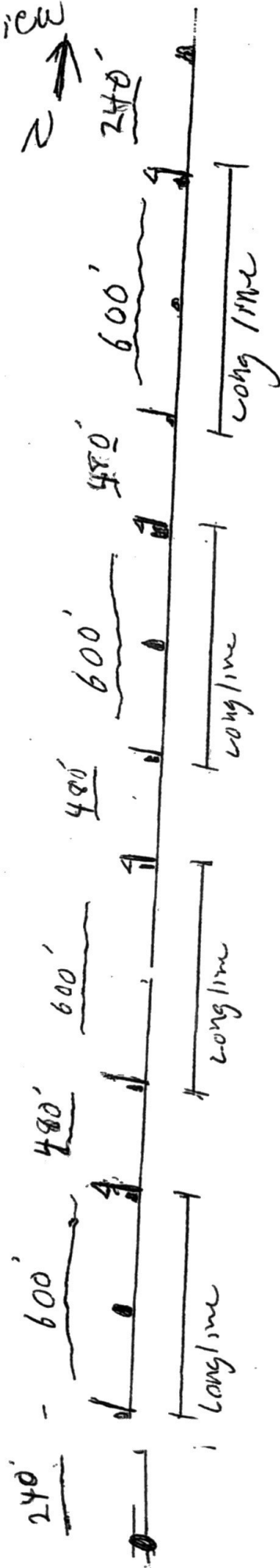
**Note:** Please include an additional Cross Section View, depicting the elements listed above, if there will be seasonal changes to gear layout (i.e. over wintering).

**C. On-Site Support Structures**

- |   |
|---|
| 1. Describe structures such as barges, sheds, etc., to be located on-site. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc. |
| None  |

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

7 B / overhead view

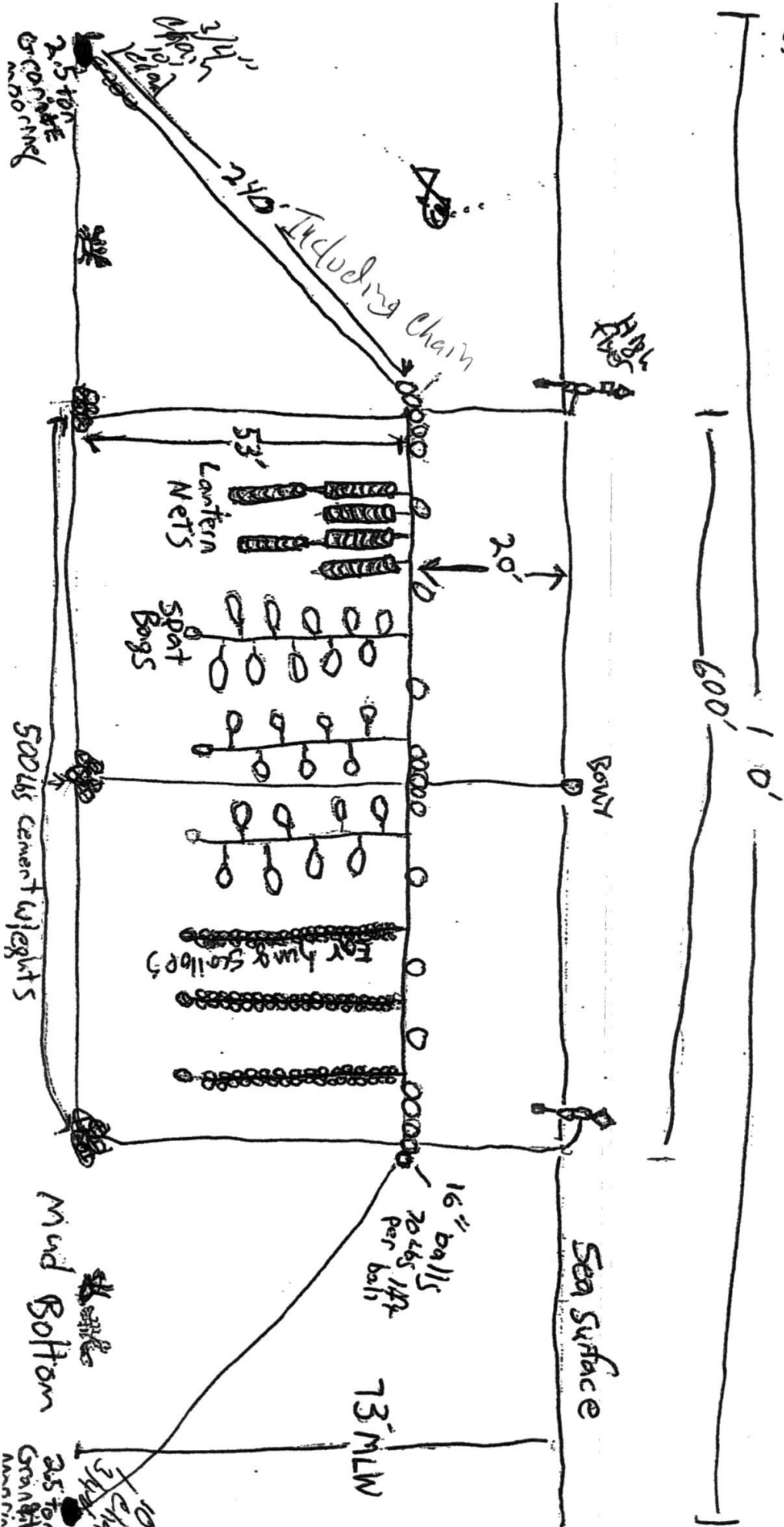


- 16" yellow Balls marked sea Parry
- 4 Red High Flyer with Flag North end of Longline
- 1 Red High Flyer South end of Longline

Red top

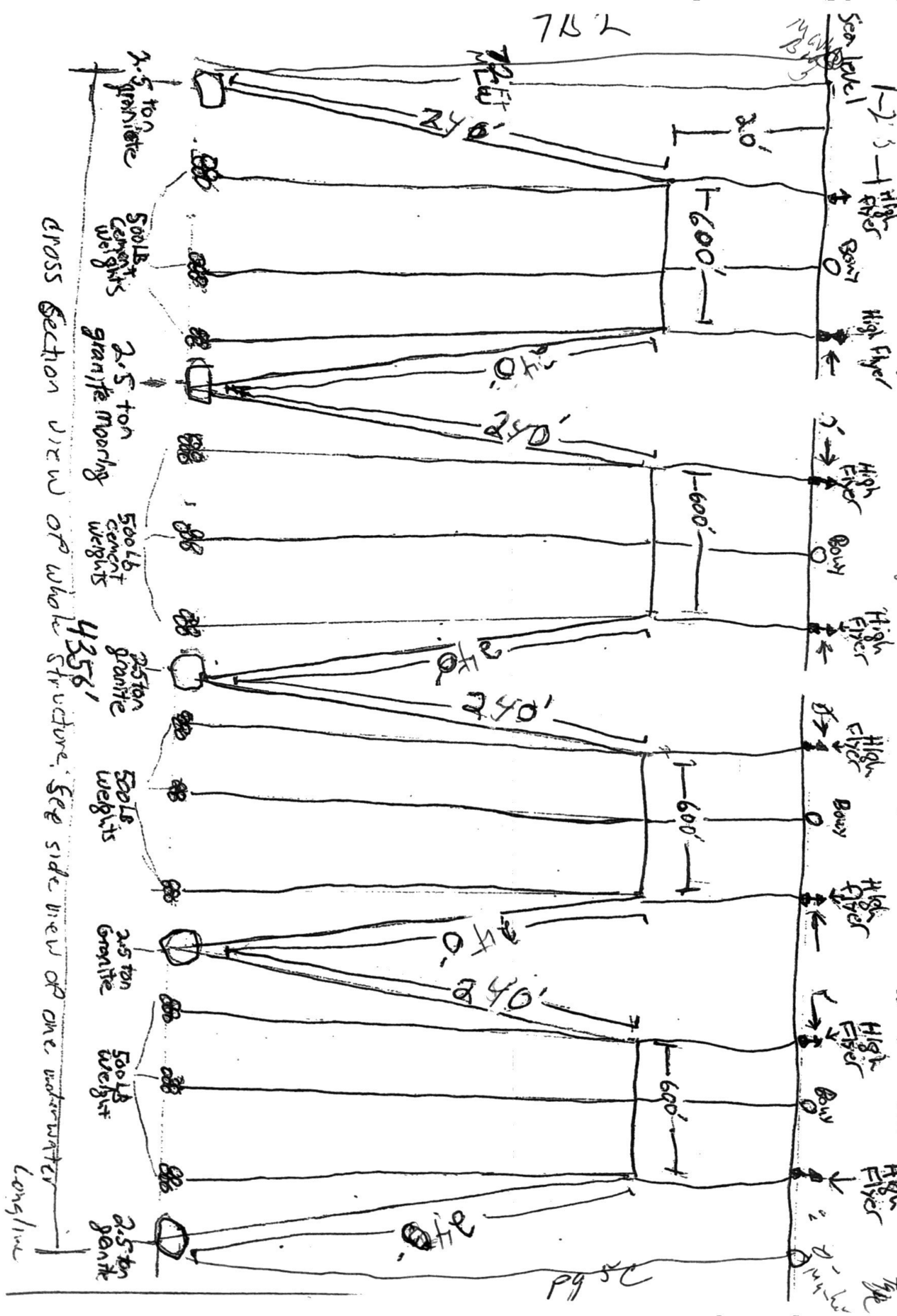
Side View of one underwater longline  
 2/9/82

Side View 7. B



1 Pg 13 Not to Scale Cross Section View The High E. is taken from well

500 lb. cement weights & 5 five gal buckets of cement  
The High Flyer is also have yellow 16" round bolls that say Seaform and have a yellow



#### D. Gear Color

Provide the color of the gear and structures proposed to be used at the lease site.

No structures on site  
14 yellow balls that say Sea Farm on them that mark  
the ends of the lease and the moorings and ends and  
middle of each longline with a red Highflyer with a flag  
on the North end of each longline and a Red Highflyer on the  
South end attached to a yellow marker buoy on  
Each highflyer

#### E. Equipment Layout

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

#### F. Marking

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? 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. Effective January 1, 2023, marker buoys need to be yellow and host reflective material.

Yes ☒ No

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

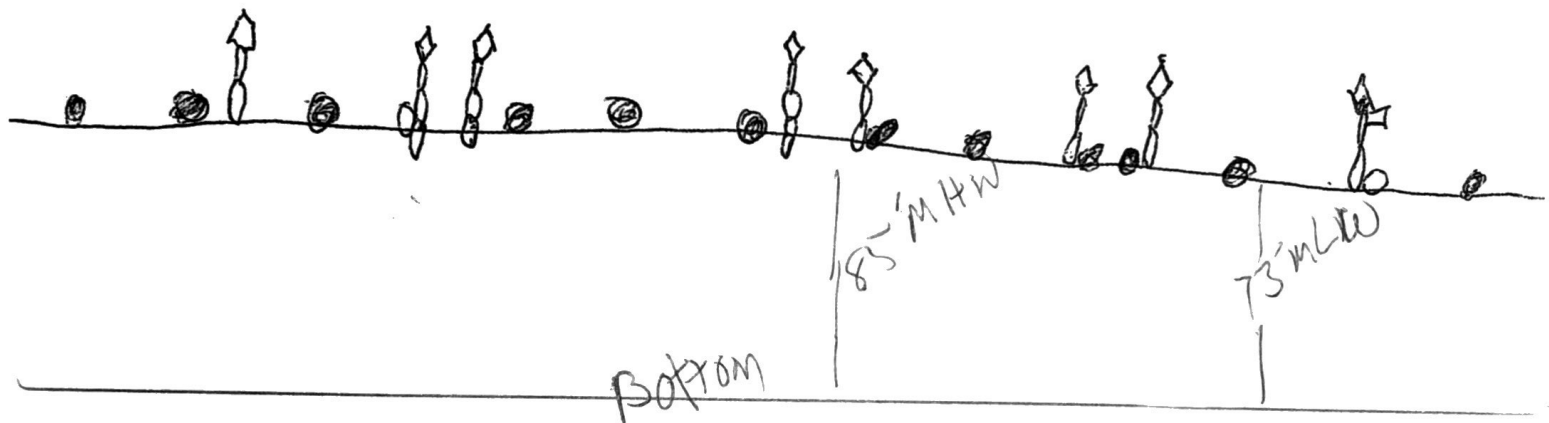
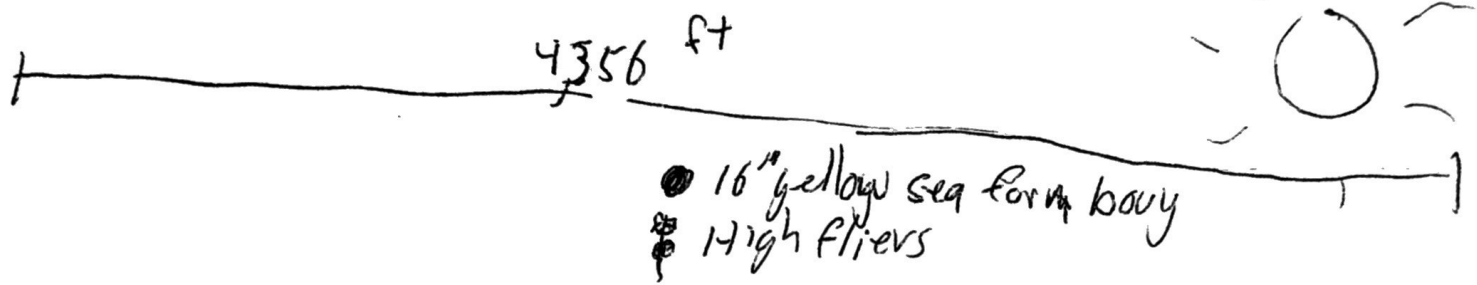
This site is 40' wide and 4500' long there is  
a yellow Marker Buoy on either end that will say  
Sea Farm PEN-SK2 and have reflective Material. There will

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

Be additional buoys like the end buoys spaced out  
along the line. We hold our gear at a depth  
of 20' below the surface at low tide to allow  
vessels to pass over our site without problem.  
This site is 40' wide and it would be hard not to have  
2 yellow balls tangled up if set 40' apart.



View from East 1000' ~~from~~ from Line Equipment Layout 1-E



View From West 1000' ~~from~~ from the Line

Both views are from the water as the Lines are over 1000' from any Land

4.

## 8. PRODUCTION ACTIVITIES

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

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

We collect wild settlement on our Lines and bags  
We are not growing Scallops on Bottom so there is no seeding.

B. Please explain your proposed tending/maintenance activities.

Going over the gear to remove Biofouling and moving  
nets to our float to be emptied, restocked, and what we  
don't sell will be brought back to the line to grow some more

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

We will visit the site to take nets on or off  
the lines once or twice a week from April to November  
and inspect in the winter a couple of times per month

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

Harvesting involves taking the nets off the Longline  
and taking them to our work float where dumping  
the scallops out of the nets. We cook the nets  
in our Hot Water barrel and wash them in net washers. The  
scallops are then put through a scallop washer and graded for  
size and then stacked into nets for selling. The float is  
located in sheltered waters north of Sand Island and east of  
Crotch Island. growing area, EC section A Scallops are then

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

We will be on the site once a week sometimes twice for a couple of hours to take nets off the line and and put product in clean nets back on the line. We transport to and from the lines in tanks to minimize stress on the scallops

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

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

there will be no changes in the gear configuration during the year.

H. Please provide details on any predator control techniques you plan to employ.

None  
We haven't had problems with predators in the last 6 years



- I. Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. In order to comply with the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), DMR is requiring that applications for the suspended culture of shellfish include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds at the proposed site. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Submerging suspended gear and associated product at a depth sufficient to deter roosting for two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- The site is proposed for the culture of seed only
- The site is proposed for the culture of adductor-only scallops (i.e. no other shellfish species would be grown on the site)
- Proposed gear would always be suspended below the surface of the water at a depth sufficient to deter roosting (i.e. as is common for scallop lantern nets)

The nets are 20 ft below surface  
at low water 36 feet below surface  
at high water. no birds ever roosting.

#### 9. NOISE AND LIGHT

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

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

a 38' novi boat. It will be there to  
pick up or deploy nets.  
"A Novi boat is a Canadian boat"



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

Aside from the diesel engine that powers the 38' Boat there will be no powered equipment used on the site. This site is in exposed waters so there will not be any floats located on site.

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

The vessel has a muffler and the hydraulics are only running at ~~idle~~ an idle.

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

We will only be at the site during day/night hours so lights will not be used.

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

We have no plans to work on the site before daylight or after dark. It would be too easy to get in a mess trying to work the line in the dark so we will not work on the site after dark.

## 10. CURRENT OPERATIONS

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

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

Pen AI experimental  
Pen SR2 experimental

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

To continue to work them  
Pen AIx & Pen SR2x

## 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?

73'

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

85'

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

North & South 1.25 to 2 knots  
depending on the moon,

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

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

mud

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

flat

**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?

low density of lobster & crab  
based on amount of gear in the area.

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

none that i am aware of.

**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.

none observed on bottom machine.



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

A rocky shoreline mostly forested with a few residential homes back from the shore

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.

## 12. EXISTING USES

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

This area was chosen for its lack of commercial fishing activity. Low density lobstering. We have a good relationship with the lobster fishermen and when a mistake is made and we have a snarl we will get a call and clear and return to owners

### 2. Recreational Fishing

None

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

There is a buoy marking Sellers Rock but nothing I would call a navigable channel for a mile or more some sail and recreational. The lines are down 20' at low water so the vessels can go through our lease without any problem.

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.)

Over 1000 feet From shore docks or moorings

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

None

B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from the proposed lease.

NO

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

NO

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>

Just 1 that will go away if applications are approved, Marsten Brewer's 3 LPAs Brew 418, 518, 618

### 13. EXCLUSIVE USE

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

Scallop dragging, lobster traps, we work w/ local ~~fishing~~ lobster men to resolve issues.

#### 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>

Note: When the application and riparian list are both ready to be submitted, you may choose to email a copy of the riparian list and proposed lease coordinates to [DMRAquaculture@maine.gov](mailto:DMRAquaculture@maine.gov) for staff to verify that all required parcels are included on the list *before* having it certified by the municipality. DMR will not verify a riparian list multiple times, so please ensure there will be no additional changes to the application before emailing the riparian list for verification.

3. If any portion of the site is intertidal, you need to complete the steps outlined in the section titled: "19. Landowner/Municipal Permission Requirements".

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

☐ Yes ☒ No

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

C. How will you access the proposed site?

from The Commercial Fish Pier in Stonington

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

It will not affect riparian ingress and egress

## RIPARIAN LANDOWNER LIST

*\*THIS LIST MUST BE **CERTIFIED**\**

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

TOWN OF: Deer Isle lease is over 1000' from shore

MAP #	LOT #	Landowner name(s) and address(es)

**Please use additional sheets if necessary and attach hereto.**

### **CERTIFICATION**

I, \_\_\_\_\_, Town Clerk for the Town of \_\_\_\_\_ 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: \_\_\_\_\_ DATE: \_\_\_\_\_

## 15. TECHNICAL CAPABILITY

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

25 year experience w/ commercial fishing  
6 year experience w/ aquaculture growing Scallops

## 16. FINANCIAL CAPABILITY

### A. Financial Capability

Please submit a letter from a financial institution indicating the applicant has an account in good standing.

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

### B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.

\$11,000.00 Per line \* 4 lines



5/2/2023

To Whom it may Concern,

Robert Brewer has multiple accounts with us here at Camden National Bank in Stonington and they are all in good standing. Please feel free to call with any questions. 367-2201

Regards,

Sarah Larrabee



## 17. ESCROW ACCOUNT OR PERFORMANCE BOND

Check the category that describes your operation:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
<input type="checkbox"/>	No gear/structure, no discharge	\$500.00
<input type="checkbox"/>	No gear/structure, discharge	\$500.00
<input type="checkbox"/>	≤ 400 square feet of gear/structure, no discharge	\$1,500.00
<input checked="" type="checkbox"/>	>400 square feet of gear/structure, no discharge	\$5,000.00*
<input type="checkbox"/>	Gear/Structure, discharge	\$25,000.00

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

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

[Signature]

Applicant Signature

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

04/18/23

Date

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

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

[Signature]

Applicant Signature

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

04/18/23

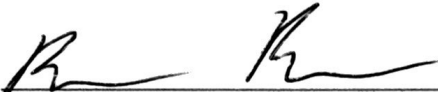
Date

## 18. APPLICANT SIGNATURE PAGE

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

Printed name: Robert Brumer

Title (if corporate applicant): \_\_\_\_\_

Signature:  Date: 04-18-23

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.


### Note:

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

### Additional Applicant:

Printed name: Robert Brumer

Title (if corporate applicant): \_\_\_\_\_

Signature:  Date: 04-18-23

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

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

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

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

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

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

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

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

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

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

Our site is located a 1/2 mile off shore and there is no clams there. We had a pre application meeting with D.M.R representative and selectmen who had no concerns.