

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES

Christopher Green
HAR TRx

Experimental Aquaculture Lease Application
Suspended Culture of Shellfish
The Reach, Brunswick, Maine

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Christopher Green applied to the Department of Marine Resources (DMR) for a three year¹ experimental aquaculture lease located in The Reach, Brunswick, Cumberland County. The proposed lease is 2.71 acres and is for the suspended cultivation of hard clam/quahog (*Mercenaria mercenaria*), soft shelled clam (*Mya arenaria*), and Atlantic razor clam (*Ensis directus*) for commercial aquaculture research and development.

1. PROCEDURAL HISTORY

DMR accepted the application as complete on November 3, 2022. Notice of the application and the 30-day public comment period was provided to state agencies, riparian landowners within 1,000 feet of the proposed site, the Town of Brunswick and its harbormaster, and others on DMR's email listserv. Notice to the municipality included a Harbormaster Questionnaire requesting information related to designated or traditional storm anchorages, navigation, riparian ingress and egress, and fishing or other uses of the area, among other considerations. Notice of the complete application and comment period was published in the November 18, 2022, edition of *The Forecaster*. Title 12 M.R.S.A. §6072-A (6) provides that the Commissioner shall hold a public hearing if five or more persons request a public hearing within the 30-day comment period. No requests for a public hearing were received during the comment period and no hearing was conducted.

On June 11, 2024, DMR reopened the comment period to receive additional clarification about information received during the November 2022 comment period, as discussed more fully below. Notice of the reopened comment period and opportunity to request a public hearing was sent to people who submitted feedback during the November 2022 comment period, state agencies, riparian landowners within 1,000 feet of the proposed site, the Town of Brunswick and its harbormaster, and others on DMR's email listserv. Notice was also published in the June 14, 2024, edition of *Midcoast Go*. DMR did not receive any

¹ No term is requested in the application, therefore, DMR uses the default 3-year maximum term.

requests for a public hearing during the reopened comment period but did receive additional clarifying comments.

The evidentiary record regarding this lease application includes the application, DMR's site report dated January 8, 2024, and the case file. The evidence from each of these sources is summarized below.²

LIST OF EXHIBITS

1. Case file
2. Application
3. DMR site report, issued on January 8, 2024

2. DESCRIPTION OF THE PROJECT

A. Proposed Operations

The purpose of the proposed experimental lease site is to determine if it is suitable for commercial aquaculture (App 4). The applicant is proposing to culture three species of clams using a maximum of 2,500 soft nylon grow bags (3-foot by 4-foot) and PVC collection boxes (2-foot by 4-foot). Once at a viable size, the seed will be broadcast on the bottom of the proposed site and covered with predator netting (App 13). The gear will remain staked to the bottom, so no gear will be at the surface of the water (App 6). The gear, excepting the PVC collection boxes, will be removed from January to March (App 13). The applicant intends to tend and harvest year-round (App 4). Seeding, harvesting, and maintenance would occur up to seven days per week (App 5). No machinery is proposed for on-site use (App 6). The applicant proposes to access the site via airboat³, which is a flat-bottomed vessel that is typically powered by a high-horsepower engine that drives an aircraft style propeller. The engine and propeller are affixed above the waterline making airboats ideal to access areas with shallow water when compared to a vessel rigged with an outboard motor. The Department is aware that airboats are used throughout this and surrounding areas by wild shellfish harvesters to access flats and other shallow water areas. They may also be used by municipalities and law enforcement agencies.

The Department received a comment from a member of the public that noise from the airboat would be loud and disruptive and it should be limited or otherwise restricted. Because this is an experimental lease, the lease decision criteria are contained in 12 M.R.S.A. § 6072-A(13). While standard lease proposals are subject to the noise criterion contained in 12 M.R.S.A. § 6072 (7-A) and Chapter 2.37(1)(A)(9), experimental lease proposals are not. If the experimental lease is granted, it would expire after three years unless the applicant elected to file an application to convert all or a portion of the site to a

² These sources are cited, with page references, as App (Application), CF (case file), and SR (site report).

³ The applicant also intends to use a 19-foot skiff.

standard lease. Such an application would be subject to analysis of the standard lease decision criteria, including the noise criterion. Lease holders that utilize airboats are required to comply with applicable provisions in law that may apply to the use of airboats.⁴ Any DMR imposed limitations or restrictions governing the use of an airboat would be based on the applicable criteria and evidence in the record.

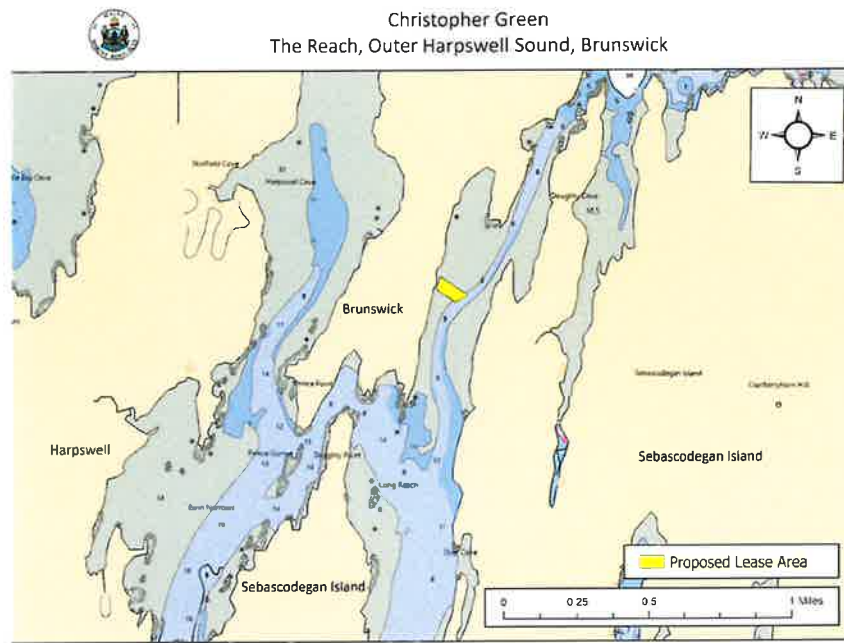


Figure 1: Vicinity map. Image generated by DMR staff.⁵

B. Site Characteristics

On July 26, 2023, DMR scientists assessed the proposed lease site. The eastern shoreline consists of a rocky shoreline leading to mixed forest uplands in the vicinity of the proposal. The western shoreline consists of a rocky shoreline with mixed forest uplands and two residential houses visible from the proposed lease area.

DMR began collecting depths at 3:00 PM at the proposed site, which was approximately three hours before high tide. Measured depths at corners of the proposed lease site ranged from 3.5 to 9.2 feet. Correcting for tidal variation derives water depths at the corners of the proposal at the next high tide to be from 7.0 to 12.7 feet and from 0.0 to 3.7 feet at mean low water (MLW, 0.0 feet). The proposed lease is partially located within the intertidal. Therefore, the applicant must obtain permission from the owner of

⁴ Earlier this year, the Legislature enacted a law relating to airboat noise limits. P.L. 2024, ch. 583 (effective Mar. 28, 2024), to be codified at 12 M.R.S. A. § 13068-A(10-A).

⁵ 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.

the intertidal land(s) and the municipality, if applicable. Permission requirements are discussed in the relevant sections that follow.

Predicted tidal heights in South Harpswell, Maine.⁶

Date	Time	Height (ft)
2023/07/26	5:32 AM	8.1 H
2023/07/26	11:34 AM	1.3 L
2023/07/26	5:55 PM	9.0 H

3. STATUTORY CRITERIA & FINDINGS OF FACT

Approval of experimental aquaculture leases is governed by 12 M.R.S.A. §6072-A. This statute provides that a lease for commercial aquaculture research and development or for scientific research may be granted by the Commissioner of DMR upon determining that the project will not unreasonably interfere with the ingress and egress of riparian owners; with navigation; with fishing or other uses of the area, taking into consideration other aquaculture uses in the area; with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna; or with the 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 Access

Before granting a lease, the Commissioner must determine that the proposed project “will not unreasonably interfere with the ingress and egress of riparian owners[.]” 12 M.R.S.A. § 6072-A(13)(A). In examining riparian owner ingress and egress, the Commissioner “shall consider the type of structures proposed for the lease site and their potential impact on the vessels which would need to maneuver around those structures.” Chapter 2.37(1)(A)(1)⁷.

During the site assessment, DMR observed a set of stairs accessing the shoreline approximately 317 feet north of the proposal. There were no docks or moorings observed in the vicinity of the proposal. On December 14, 2022, DMR received a comment from Thomas Walek, an individual that owns shorefront property within 1,000 feet of the proposed site. Specifically, Mr. Walek owns Lot 35-6, which is adjacent to the proposed lease site. Mr. Walek’s parcel is depicted in Figure 2 below, which also includes the

⁶ <https://www.usharbors.com/harbor/maine/south-harpswell-me/tides/?tide=2023-10#monthly-tide-chart>

⁷ 13-188 C.M.R. ch. 2. The Commissioner considers the applicable criteria contained in Chapter 2.37 pursuant to Chapter 2.64(11)(A).

location of stairs observed by DMR staff during the site visit. In his December 14, 2022, comments, Mr. Walek stated that he has actively been pursuing the installation of a seasonal dock at his property since 2020. The comment stated that he discussed his plans with the Town of Brunswick, that a suitable location for the dock was being determined and efforts to install the dock had been delayed due to the COVID-19 pandemic and supply chain issues. Mr. Walek stated that he expected to have the dock permitted and installed by 2023. Mr. Walek also stated that his other neighbors may also install docks. At the time of the DMR site visit, on July 26, 2023, no docks were observed.

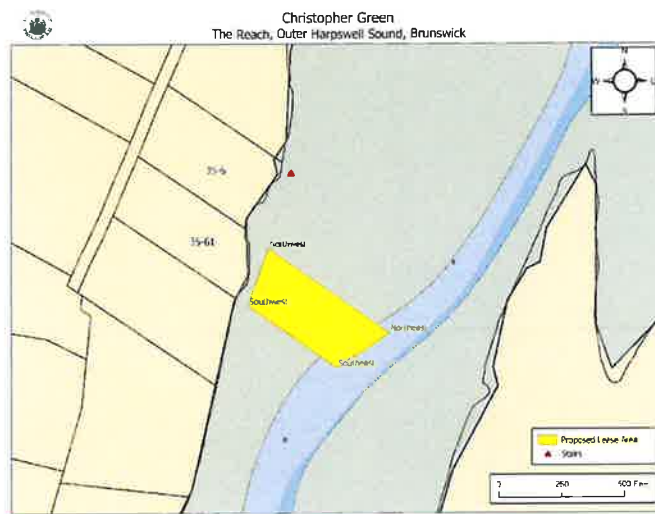


Figure 2. The location of parcels 35-61 and 35-6 in relationship to the proposed lease site.

When the DMR reopened the comment period in June 2024, staff emailed and mailed a copy of the notice to Mr. Walek, which included the following:

If you elect to submit additional comments, please provide clarifying information about the dock you indicated you were planning to install. Include the exact location of the dock and in relation to the proposed lease site and the size and type of vessels that access the dock. Please also include copies of any permits or documentation demonstrating the dock has been installed.

On July 11, 2024, Mr. Walek submitted a copy of a building permit from the Town of Brunswick approving the construction of a temporary/seasonal float, which is removed each winter. The attached application materials contained a plan showing a 16-foot long by 4-foot-wide ramp. Attached to the end of the ramp, are two floats with combined dimensions of 8-feet wide and 10-feet long. The ramp is attached to an existing platform which, in turn, is attached to stairs. Mr. Walek confirmed that the stairs observed during the site visit as shown in Figure 2 above, are the stairs referenced in the permits he provided. As part of his comments,

Mr. Walek stated that the ramp and floats will be used for a stand-up paddleboard, kayaks, and an 18 to 20-foot-long fishing boat.

The western corners of the proposed lease area are located within the intertidal zone. Pursuant to 12 M.R.S.A. §6072(2)(F), the applicant is responsible for obtaining written permission of every riparian owner whose land to the low water mark will be used.⁸ The applicant received the necessary permission from the upland riparian landowners, who are the presumptive owners of the intertidal property, for use of the intertidal property (App 36, 37).

Discussion

In evaluating riparian ingress and egress, the commissioner must consider the following pursuant to Chapter 2.37(1)(A)(1):

The Commissioner shall examine whether the riparian owners can safely navigate to their shore. The Commissioner shall consider the type of shore involved and the type of vessel that can reasonably land on that shore. The Commissioner shall consider the type of structures proposed for the lease and their potential impact on the vessels which would need to maneuver around those structures.

The applicant is proposing to culture three species of clams using a maximum of 2,500 soft nylon grow bags (3-foot by 4-foot) and PVC collection boxes (2-foot by 4-foot). Once at a viable size, the seed will be broadcast on the bottom of the proposed site and covered with predator netting (App 13). The gear will remain staked to the bottom, so no gear will be at the surface of the water (App 6). Given water depths at the proposed site, it is possible that gear may be exposed during certain tidal stages. All gear, excepting the PVC collection boxes, will be removed from January to March (App 13).

Mr. Walek indicated his intention to construct a dock⁹, which would be affixed to stairs that were documented approximately 317 feet to the north of the proposal near the property line furthest from the boundaries of the proposed lease (see Figure 2). Mr. Walek stated that kayaks, paddleboards, and a fishing vessel, up to 20 feet in length would be used to access the ramp and floats. The plan Mr. Walek submitted, which was approved by the municipality, shows the ramp and floats extending roughly parallel to the property lines. Therefore, the structure and the proposed lease will be oriented in approximately the same direction and will not intersect. The

⁸ 9 Title 12 M.R.S.A. §6072-A(8) requires the applicant provide the permission pursuant to 6072(4)(F).

⁹ In his comments, Mr. Walek refers to the structure as a dock. This decision will refer to it as a ramp and floats to be consistent with the approved plans.

distance from the northeast side of the lease to the ramp and floats will likely be around 300 feet (accounting for the width of the ramp and associated floats) for the length of the structure. Since two of the types of vessels that will be using the structure are kayaks and paddleboards which are hand-powered and typically smaller than motorized watercraft, 300 feet between the lease and the ramp and floats would provide adequate area to maneuver to the ramp and floats. Likewise, a powered vessel of 20-feet or less should have no issues maneuvering to the ramp and floats as there would be adequate navigable area. In addition, Mr. Walek will also be able to access the northeast and southeast sides of the ramp and floats without any impact from the proposed lease. The proposed lease may alter a preferred approach to the ramp and floats. For example, it is possible that Mr. Walek intended to access the ramp and floats by traveling through the proposed site. If the lease were granted, Mr. Walek may need to alter the preferred course and maneuver around the site. However, based on the record, such modifications are not unreasonable and there is adequate area for Mr. Walek to safely access the ramp and floats.

Therefore, the activities proposed for this site will not unreasonably interfere with the ingress and egress of any riparian owner.

B. Navigation

When examining navigation, the Commissioner considers whether the lease activities would interfere with commercial or recreational navigation around the lease area and considers the current uses of the navigational channels in the area. 12 M.R.S.A. § 6072-A(13)(B); Chapter 2.37(1)(A)(2).

According to navigational charts, the proposal is located partially within the navigational channel at MLW. However, the application states the proposal is located outside of the main navigational channel according to both personal observations and satellite imagery (App 7). During the site assessment, DMR confirmed the navigational channel is located further east than charted, therefore the proposal is located west of the main navigational channel. DMR observed one small boat navigating northerly approximately 100 feet east of the proposal.

In evaluating navigation, the commissioner must consider the following pursuant to Chapter 2.37(1)(A)(2):

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. The Commissioner shall consider the current uses and different degrees of use of the navigational channels in the area in determining the impact of the lease operation.

No comments regarding impacts to navigation were received by DMR. Additionally, no concerns were expressed by the harbormaster about impacts from the proposed lease on navigation in the project area. The proposal is not within the main navigational channel.

Therefore, the aquaculture activities proposed for this site will not unreasonably interfere with navigation.

C. Fishing & Other Uses

Fishing. When examining fishing and other uses, the Commissioner considers whether the lease activities would unreasonably interfere with commercial or recreational fishing or other uses, including water-related uses of the area (12 M.R.S.A. § 6072-A(13)(C); Chapter 2.37(1)(A)(3)). Additionally, the Commissioner considers any evidence concerning other aquaculture uses of the area (Chapter 2.37(1)(A)(4)).

During the site visit, DMR did not observe any fishing activity in the vicinity of the proposal. On November 15, 2021, DMR received a comment from the Brunswick harbormaster stating that nearby Robbies Cove, located approximately 1,500 feet north of the proposal, is dug for soft-shell clams and quahogs. Harvesting in Robbies Cove occurs mostly during the winter as the cove is less likely to ice over. The harbormaster notes he has never observed anyone harvesting south of Limited Purpose Aquaculture (LPA) license CGRE321.¹⁰ This LPA is held by Christopher Green and is approximately 102 feet north of the proposal. The Town of Brunswick has a shellfish conservation program in accordance with 12 M.R.S.A. § 6671 and because the site is partially within the intertidal, the applicant is required to obtain consent from the municipality. The applicant provided this permission with the application.

In evaluating fishing, the commissioner must consider the following pursuant to Chapter 2.37(1)(A)(2):

The Commissioner shall examine whether the lease activities would unreasonably interfere with commercial or recreational fishing or other water-related uses of the area. This examination shall consider such factors as the number of individuals that participate in recreational or commercial fishing, the amount and type of fishing gear utilized, the number of actual fishing days, and the amount of fisheries resources harvested from the area.

No comments regarding impacts to fishing were received by DMR. Additionally, no concerns were expressed by the harbormaster about impacts from the proposed lease on fishing in the project area.

¹⁰ Correspondence between DMR and the Brunswick Harbormaster.

Therefore, it is reasonable to conclude that there are no concerns regarding the potential effect of the proposed lease on commercial and recreational fishing activities in the area.

Other uses. According to the application, no swimming or kayaking has been observed, but it may still occur at mid and low tide if the lease were granted (App 7). No comments regarding impacts to other uses were received by DMR.

Other aquaculture uses. In evaluating other aquaculture uses, the commissioner must consider the following pursuant to Chapter 2.37(1)(A)(4):

The Commissioner shall consider any evidence submitted concerning other aquaculture uses of the area. The intensity and frequency of such uses as well as the degree of exclusivity required for each use shall be factors in the Commissioner's determination of whether any interference is unreasonable. The number, size, location, and type of other aquaculture leases shall be considered by the Commissioner.

There is one active LPA, CGRE321, within 1,000 feet of the proposed lease site. CGRE321 is approximately 102 feet north of the proposal and held by the applicant. CGRE321 would be relinquished if this proposal were granted.

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

D. Flora & Fauna

When examining existing system support, the Commissioner considers the degree to which the use of the lease site will interfere with significant wildlife habitat and marine habitat or with the ability of the lease site and marine and upland areas to support ecologically significant flora and fauna (12 M.R.S.A. § 6072(7-A)(D); Chapter 2.37(1)(A)(5)).

On July 26, 2023, DMR conducted an underwater video transect utilizing a drop camera to assess the epibenthic ecology of the proposed lease. There were no living epibenthic flora or fauna observed in the video transect, however there were softshell clam shells observed within the boundaries of the proposal.

Data collected by the Maine Department of Environmental Protection (MDEP) and Casco Bay Estuary Partnership (CBEP) in 2022 indicates no mapped eelgrass (*Zostera marina*) presence in the vicinity of the proposal.¹¹ No eelgrass was observed on underwater camera footage during DMR's site assessment.

According to Geographic Information System (GIS) data maintained by the Maine Department of Inland Fisheries and Wildlife (MDIFW) and available through the Maine Office of GIS (MEGIS), the

¹¹ Data obtained from The Maine Office of GIS "GISVIEW.MEDEP.Seagrass2022_CascoBay". This is the most current record of mapped eelgrass within the vicinity of the proposal.

proposed lease is located entirely within mapped Tidal Waterfowl and Wading bird Habitat (TWWH). Data collected by the United States Fish and Wildlife Service in 2023 by aerial nest survey shows the closest mapped bald eagle nesting site to be approximately 4,160 feet southwest of the proposal. DMR also observed osprey (*Pandion haliaetus*) and a bald eagle (*Haliaeetus leucocephalus*) in the general vicinity of the proposal.

On January 4, 2023, a wildlife biologist with MDIFW responded by email to a “Request for Agency Review and Comment” stating:

This proposed aquaculture [site] is located entirely within a *high value* [emphasis added] Tidal Waterfowl and Wading Bird Habitat. To minimize impacts to these resources and the species which utilize them, we typically recommend that no gear is placed at less than 3-foot MLW, and based on our review much [of] the area has MLW of 1 foot. We recommend finding an alternative location in the area with MLW of 3 foot or greater to minimize impacts to the habitat and wildlife utilizing this resource.

According to MDIFW, TWWH is breeding, migrating/staging, or wintering areas for coastal waterfowl or breeding, feeding, loafing, migrating, or roosting areas for coastal wading birds. TWWH habitats include aquatic beds, eelgrass, emergent wetlands, mudflats, seaweed communities, and reefs.¹²

The proposed lease site is located partially in the intertidal zone. According to the application, water depths at MLW are ± 1 foot (App 9). The site report confirms that at least one corner would be fully drained at MLW (SR 2). The application also states that “at astronomical tides the site can potentially become exposed and fully drain” (App 9).

DMR reopened the comment period on June 11, 2024, in part to get clarification from MDIFW about the potential impacts from the proposed lease activity. In a response dated July 13, 2024, MDIFW responded, “After careful review of the site and lease, MDIFW retracts our previous comments submitted by Rebecca Settele on January 4, 2023. We anticipate minimal impacts to wildlife for this Experimental Lease.”

DMR did not receive any other comments concerning this criterion. No living epibenthic flora or fauna was observed within the boundaries of the proposed site. No eelgrass was documented. Based on the evidence, the proposed lease activities will not adversely affect ecologically significant flora and fauna.

Therefore, if granted, the aquaculture activities proposed for this site will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.

¹² MDIFW Beginning with Habitat.

E. Public Use & Enjoyment

When examining interference with public facilities, the Commissioner considers the degree to which the lease interferes 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 government (12 M.R.S.A. § 6072(7-A)(F); Chapter 2.37(1)(A)(7)).

There are no beaches, parks, or docking facilities owned by federal, state, or municipal government within 1,000 feet of the proposed lease site.

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

F. Source of Organisms

When examining the source of organisms, the Commissioner shall include but not be limited to, consideration of the source's biosecurity, sanitation, and applicable fish health practices (12 M.R.S.A. § 6072(7-A)(E); Chapter 2.37(1)(A)(6)).

The applicant proposes to collect wild hard clam (*M. mercenaria*) spat or to obtain stock from Muscongus Bay Aquaculture (Bremen, Maine), Downeast Institute (Beals, Maine) and Mook Sea Farm (Walpole, Maine). Mook Sea Farm is not currently an approved hatchery for hard clams. Therefore, the applicant may collect wild spat or obtain stock only from Muscongus Bay, Downeast Institute, or another DMR approved hatchery.

The applicant proposes to collect wild soft-shelled clam (*M. arenaria*) spat or to obtain stock from Muscongus Bay Aquaculture, Downeast Institute, and Mook Sea Farm. Of these, only Downeast Institute is currently an approved hatchery for soft-shelled clam. Therefore, the applicant may collect wild spat or obtain stock only from Downeast Institute or another DMR approved hatchery.

The applicant proposes to obtain Atlantic razor clam (*E. directus*) stock from Downeast Institute. Downeast Institute is not currently an approved hatchery for razor clam and there are currently no approved sources of stock for razor clam. The applicant has not demonstrated an approved source for this species. Therefore, it will not be authorized if the lease is granted. However, if the lease is granted, a condition will be added providing that if an approved source of Atlantic razor clam (*Ensis directus*) becomes available prior to the expiration of the lease, the holder may request a source review for permission to deploy this species. The condition will provide that razor clams cannot be deployed unless and until the lease holder receives written authorization from DMR.

Therefore, the applicant has demonstrated that there will be an available source of stock for hard clam and soft-shelled clam to be cultured for the lease site.

4. CONCLUSIONS OF LAW

Based on the above findings, the Department concludes that:

1. The aquaculture activities proposed for this site will not unreasonably interfere with the ingress and egress of riparian owners.
2. The aquaculture activities proposed for this site will not unreasonably interfere with navigation.
3. The aquaculture activities proposed for this site will not unreasonably interfere with fishing or other uses of the area.
4. The aquaculture activities proposed for this site will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.
5. 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 municipal, state, or federal governments.
6. The applicant has demonstrated that there will be an available source of stock for hard clams and soft-shell clam to be cultured for the lease site, but not for razor clams.

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-A.

5. DECISION

Based on the foregoing, the Commissioner grants the requested experimental lease of 2.71 acres to Christopher Green, for three years, the term of the lease to begin within twelve months of the date of this decision, on a date chosen by the lessee¹³; however, no aquaculture rights shall accrue in the lease area until the lease is fully executed.

This lease for is granted to the lessee for the suspended cultivation of hard clam/quahog (*Mercenaria mercenaria*) and soft-shelled clam (*Mya arenaria*). The lessee shall pay the State of Maine

¹³ DMR Rule 2.64 (14) provides:

“The term of the lease shall begin within 12 months of the Commissioner’s decision, on a date chosen by the applicant. No aquaculture rights shall accrue in the lease area until the lease term begins and the lease is signed.”

rent in the amount of \$100.00 per acre per year. Because this is an experimental lease with more than 400 square feet of structures and no discharge, a bond or escrow account is required. The lessee shall post a bond or establish an escrow account pursuant to DMR Rule 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. CONDITIONS TO BE IMPOSED ON LEASE

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 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 is imposed on this lease:

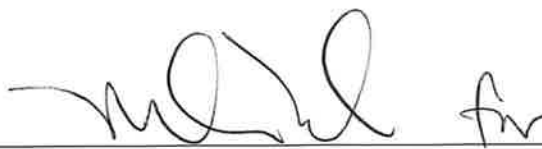
1. If an approved source of Atlantic razor clam (*Ensis directus*) becomes available prior to the expiration of the lease, the holder may request a source review, in writing, which must include the name and address of the approved source. Razor clams cannot be deployed unless and until the lease holder receives written authorization from DMR.

7. REVOCATION OF EXPERIMENTAL LEASE

The Commissioner may commence revocation procedures upon determining pursuant to 12 MRSA §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: _____

10/15/24



Patrick C. Keliher, Commissioner

Department of Marine Resources