

LEASE EXPANSION APPLICATION

1. APPLICANT CONTACT INFORMATION

Acronym of Lease Proposed for Expansion	SCAR SRR
Applicant	Nonesuch Oysters, LLC
Contact Person	Ryan McPherson
Address	637 River Road
City	Edgecomb
State, Zip	ME, 04556
County	Lincoln
Telephone	(617) 306-3956
Email	Ryan@Gliddenpoint.com

Note: If applicant is a corporation or a partnership, please complete the “Corporate Applicant Information Document” available at: <http://www.maine.gov/dmr/aquaculture/forms/experimental.html>

2. PROPOSED LEASE SITE INFORMATION

Acreage of Existing Lease	6.77
Is this a multi-tract lease site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If “yes” please list which tract(s) you are proposing to expand: The northern Parcel will be expanded to 0.49 acres The southern parcel will be expanded to 7.17 acres Note: In accordance with regulation, the proposed expansion must be proportional to each tract.
Acreage of proposed expansion (up to 25% of existing lease or 4 acres, whichever is less)	7.66 total acres, equaling an expansion of 13.15% or 0.89 acres
Town	Scarborough
County	Cumberland
Waterbody	Scarborough River
Type of Culture Proposed for Expansion	<input type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom)

<p>Would your proposed expansion discharge anything into the water such as feed or additives?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Note: If you checked yes, you will need to contact the Maine Department of Environmental Protection (DEP) Wastewater Licensing Program (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.</p>
<p>Is any portion of the proposed expansion above mean low water?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Note: If you selected yes, please complete the permission requirements included in section “Landowner/Municipal Permission Requirements”.</p>

3. VICINITY MAP

Directions: Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the existing lease site and proposed expansion. **Note:** Please label as: ‘Vicinity Map’.

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 existing lease boundaries
- The proposed expansion

Please see Next Page

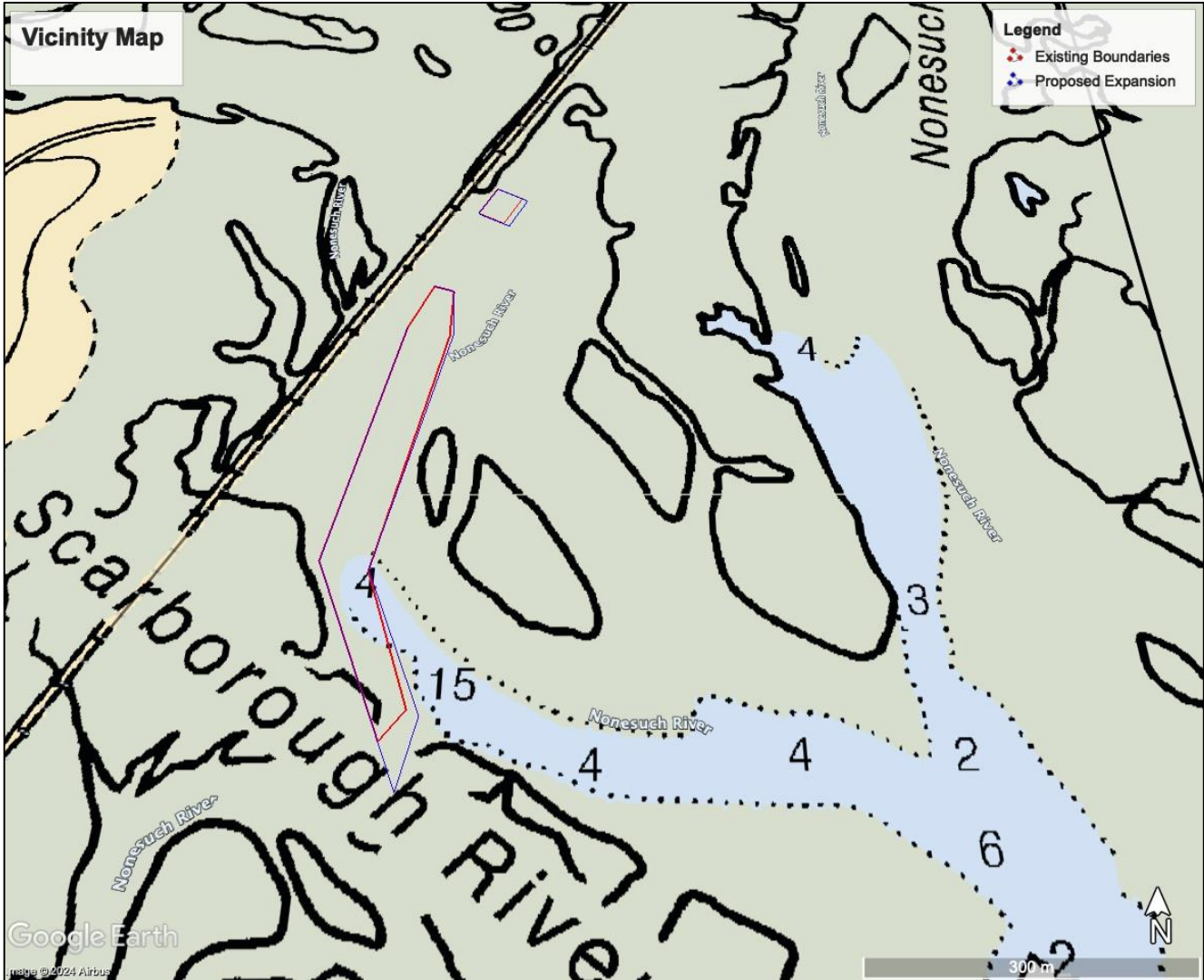


Figure 1. Vicinity Map

4. BOUNDARY DRAWING

Directions: Depict the boundaries of the existing lease site and proposed expansion. Label all corners, directions, and distances. **Note:** Please label as: 'Boundary Drawing'.

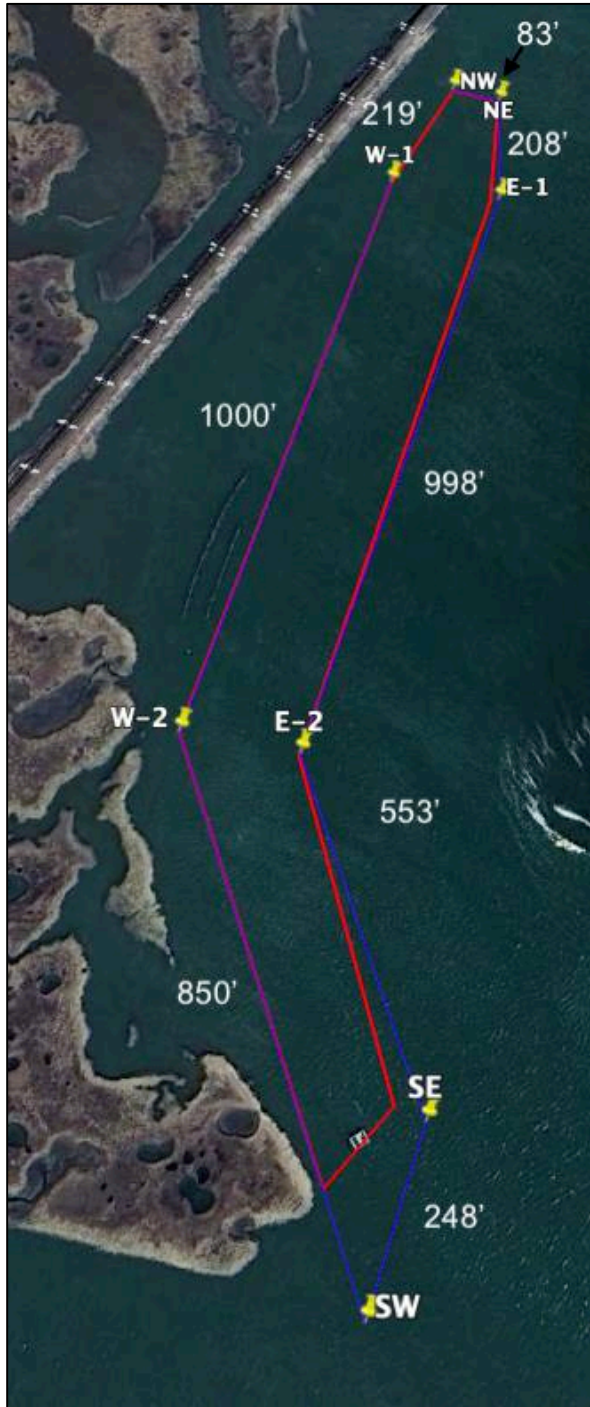


Figure 2. Boundary Drawing of Southern Tract. Red Line is the existing lease site, and the blue line is the proposed expansion.



Figure 3. Boundary Drawing of Northern Tract. The Red line is the existing lease site, and the blue line is the proposed expansion.

5. COORDINATE DESCRIPTION

Directions: Provide geographic coordinates in decimal degrees for each corner of your expanded lease proposal. If you use a datum other than WGS84 or NAD83 for your expanded coordinates, please include the datum used. **Note:** Please label as: 'Expanded Coordinates'.

Expanded Coordinates: The coordinates highlighted in Red are the changed expanded coordinates from the original lease. All the other coordinates are the same as provided in the original lease.

Northern Tract:

NW: 43.55527, -70.34307

NE: 43.55509, -70.34260

SW: 43.55491, -70.34335

SE: 43.55473, -70.34287

Southern Tract:

NW: 43.55390, -70.34394

NE: 43.55383, -70.34364

W-1: 43.55336, -70.34428

E-1: 43.55326, -70.34360

W-2: 43.55068, -70.34513

E-2: 43.55059, -70.34447

SW: 43.54854, -70.34389

SE: 43.54920, -70.34367

6. 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 this section.

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. 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 on entirety of expanded site, including moorings.
 - Length and width of project.
 - Approximate spacing between gear.
 - Proposed expansion boundaries and the location of proposed corner markers and any additional gear markers that would be present.

Please See the next 4 pages.

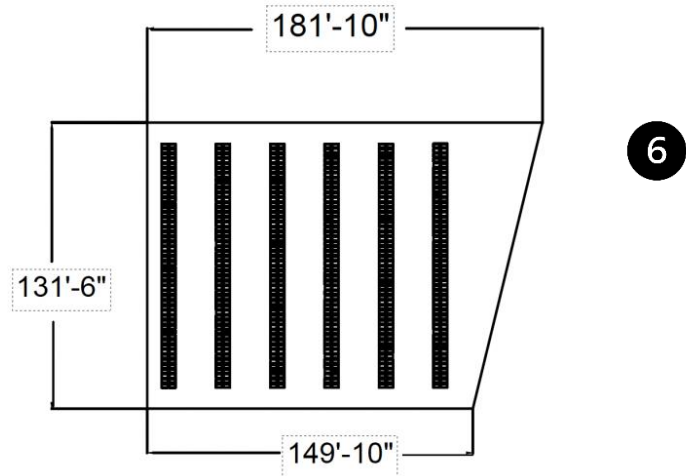
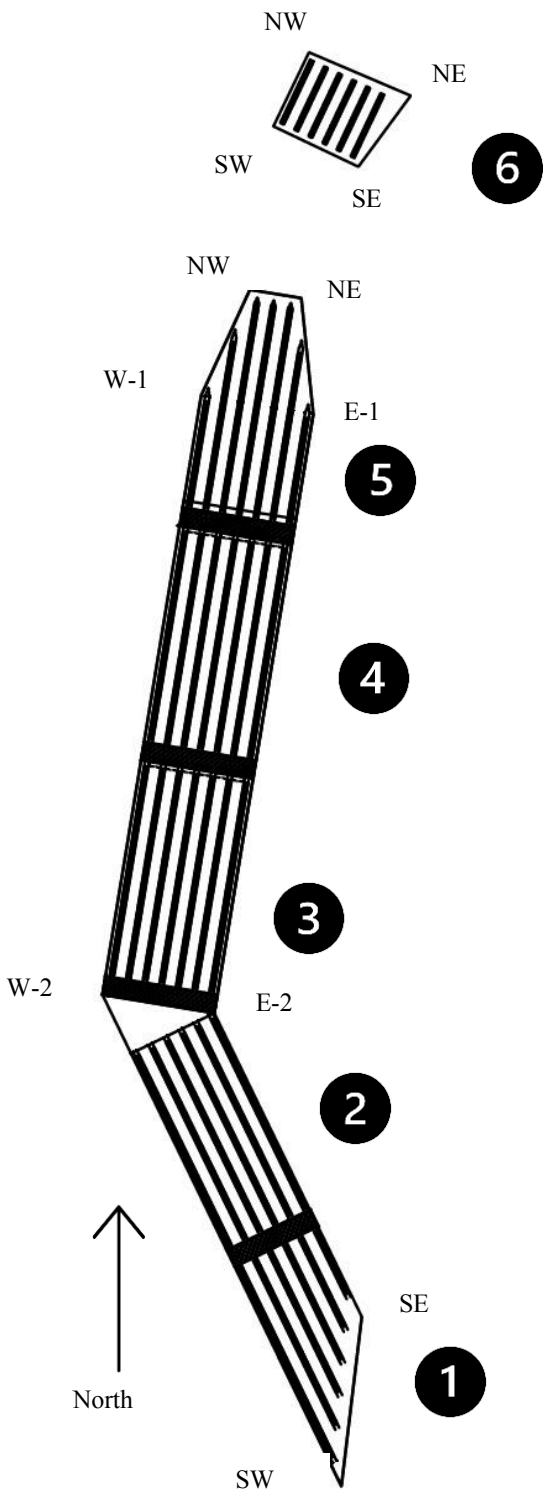


Figure 5. More detailed view of Array 6.

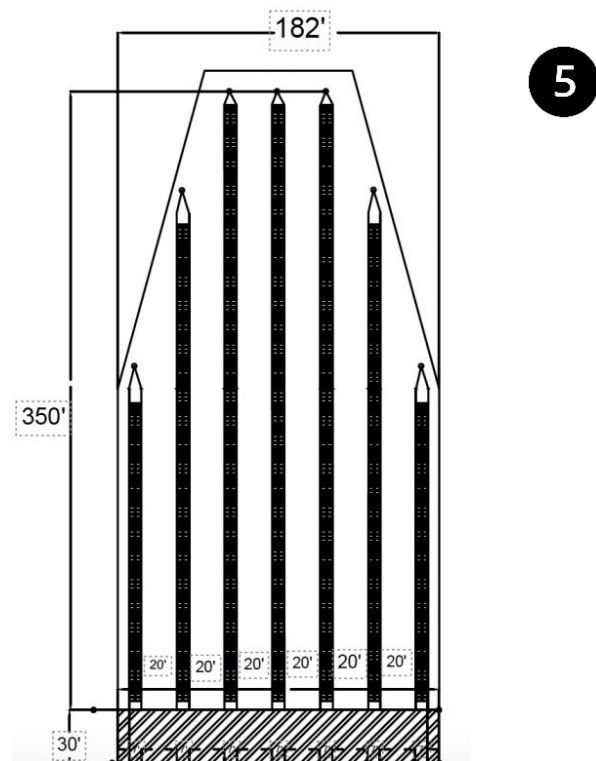
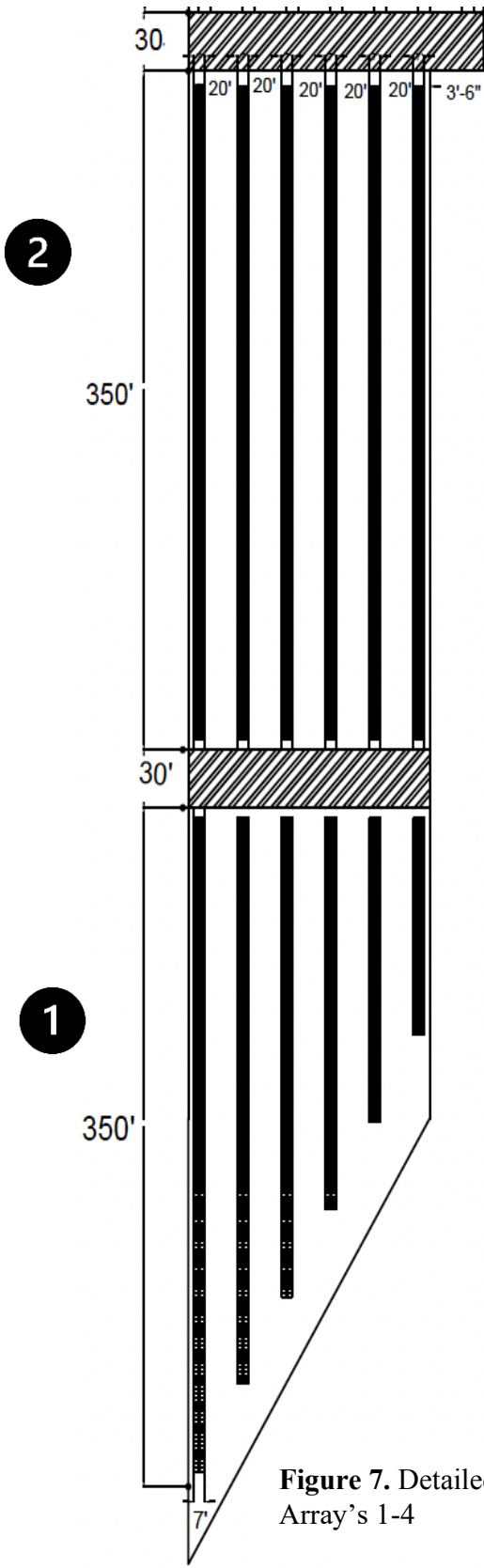


Figure 6. More detailed view of Array 5.

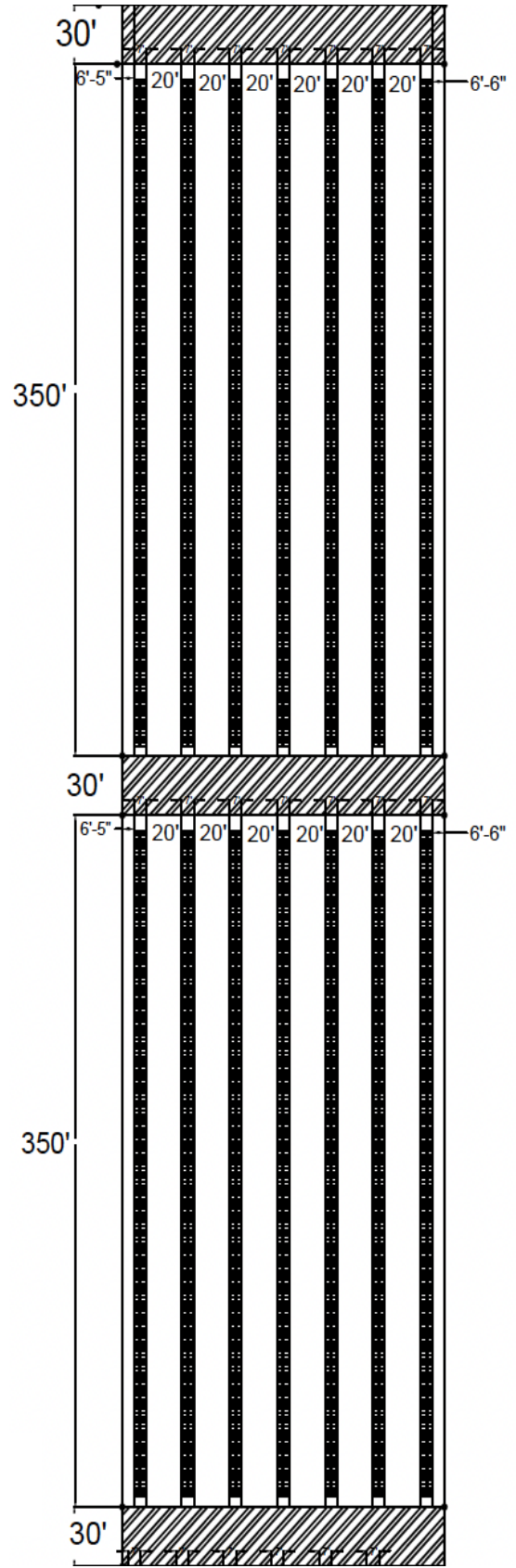
Figure 4. Layout Scenario A: All floating bags: Figure 4 depicts an overview of the location of the 6 Arrays. A more detailed view of the 6 arrays can be seen in Figures 5-7. There are 8 corner markers present along the perimeter of the southern tract, depicted by NW, W-1, etc.. There are 4 corner markers present along the perimeter of the northern tract depicted by NW, SE, etc.



2

1

Figure 7. Detailed Layout of Array's 1-4



4

3

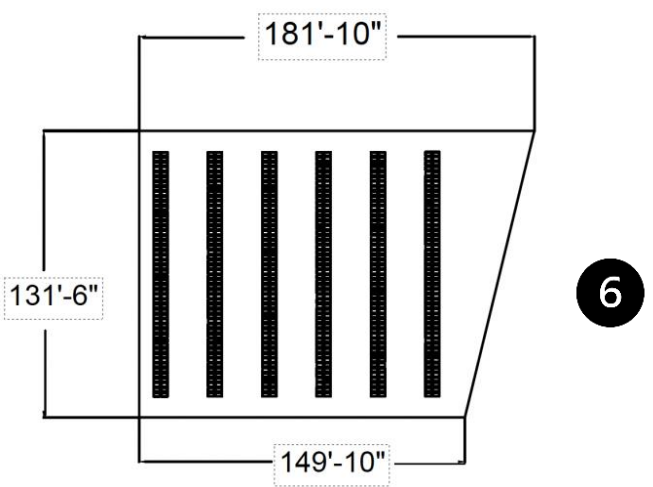
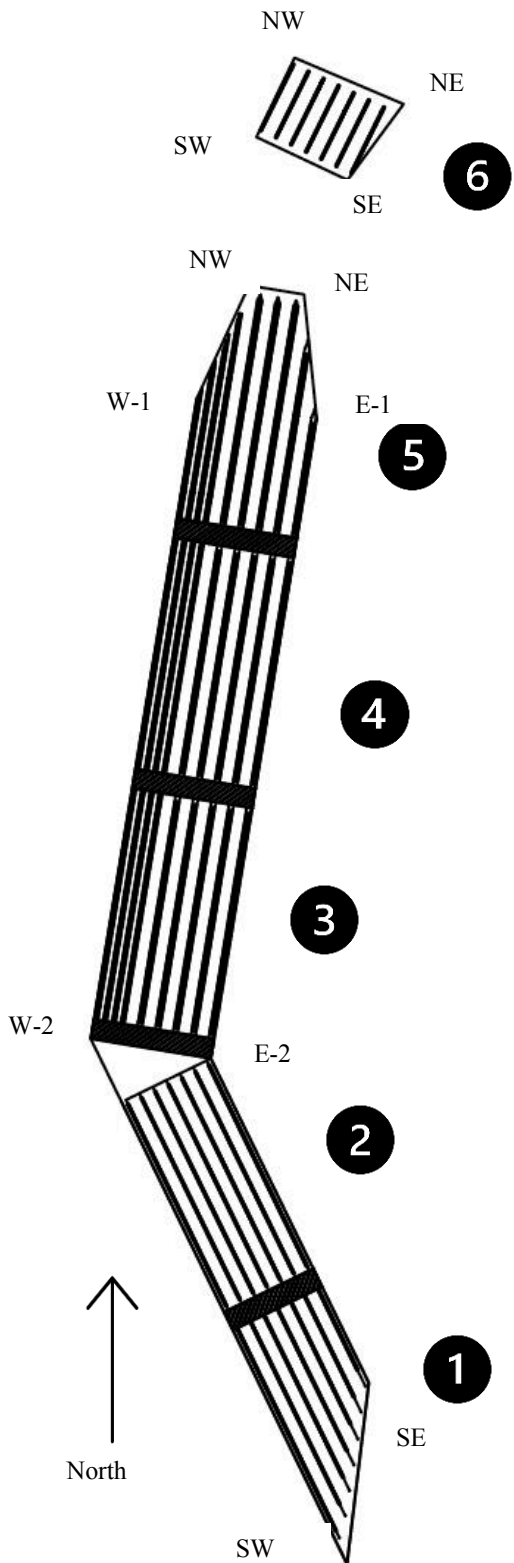


Figure 9. More detailed view of Array 6.

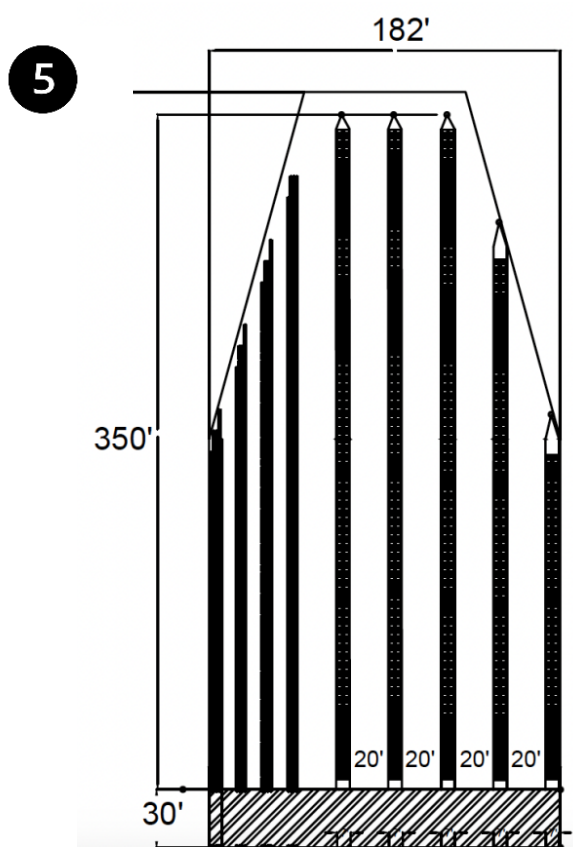


Figure 10. More detailed view of Array 5. The Zapco's are on the left, while bags are used on the right.

Figure 8. Layout Scenario B: Floating Bags, Zapco's, & Flip farms. Figure 8 depicts an overview of the location of the 6 Arrays. A more detailed view of the 6 arrays can be seen in Figures 9-11. There are 8 corner markers present along the perimeter of the southern tract, depicted by NW, W-1, etc.. There are 4 corner markers present along the perimeter of the northern tract depicted by NW, SE, etc.

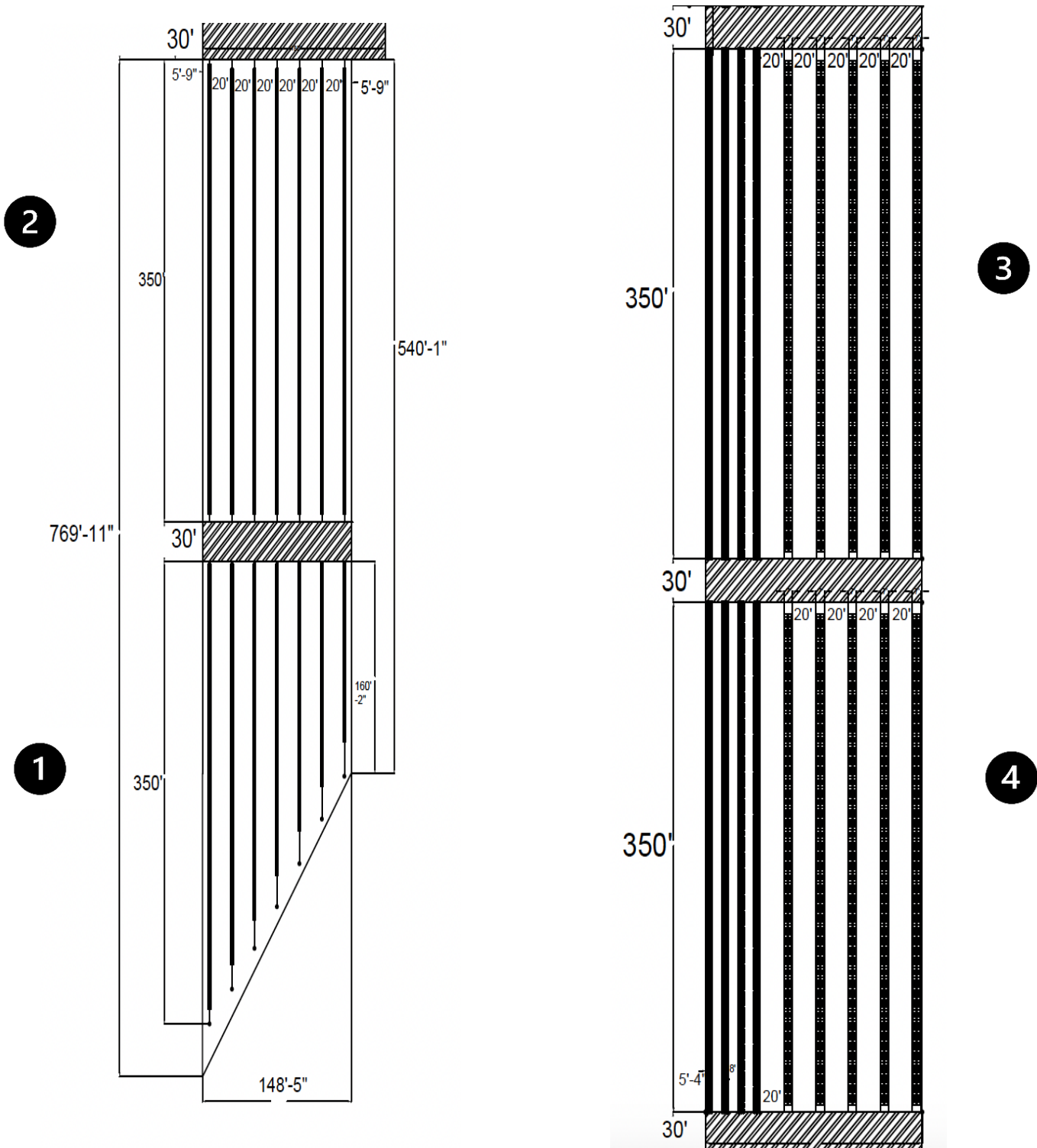


Figure 11. A more detailed overview of Array's 1-4. Array's 1 & 2 depict the Flip Farms. Array's 3 & 4 has Zapco tumblers depicted on the left side of the array, and the bags depicted on the right.

2. Cross Section View: Please include the following and label as “Cross-Section View”:

- Profile of gear cross-section as it will be deployed in the proposed expansion
- The sea bottom
- Label gear with dimensions and materials
- Show mooring gear with mooring type, scope, hardware, and line type and size
- Depths from structure(s) to sea-floor relative to 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 the proposed gear type(s) (i.e. overwintering).

Please see next 3 pages for cross-section examples of the three different gear types to be employed on the site.

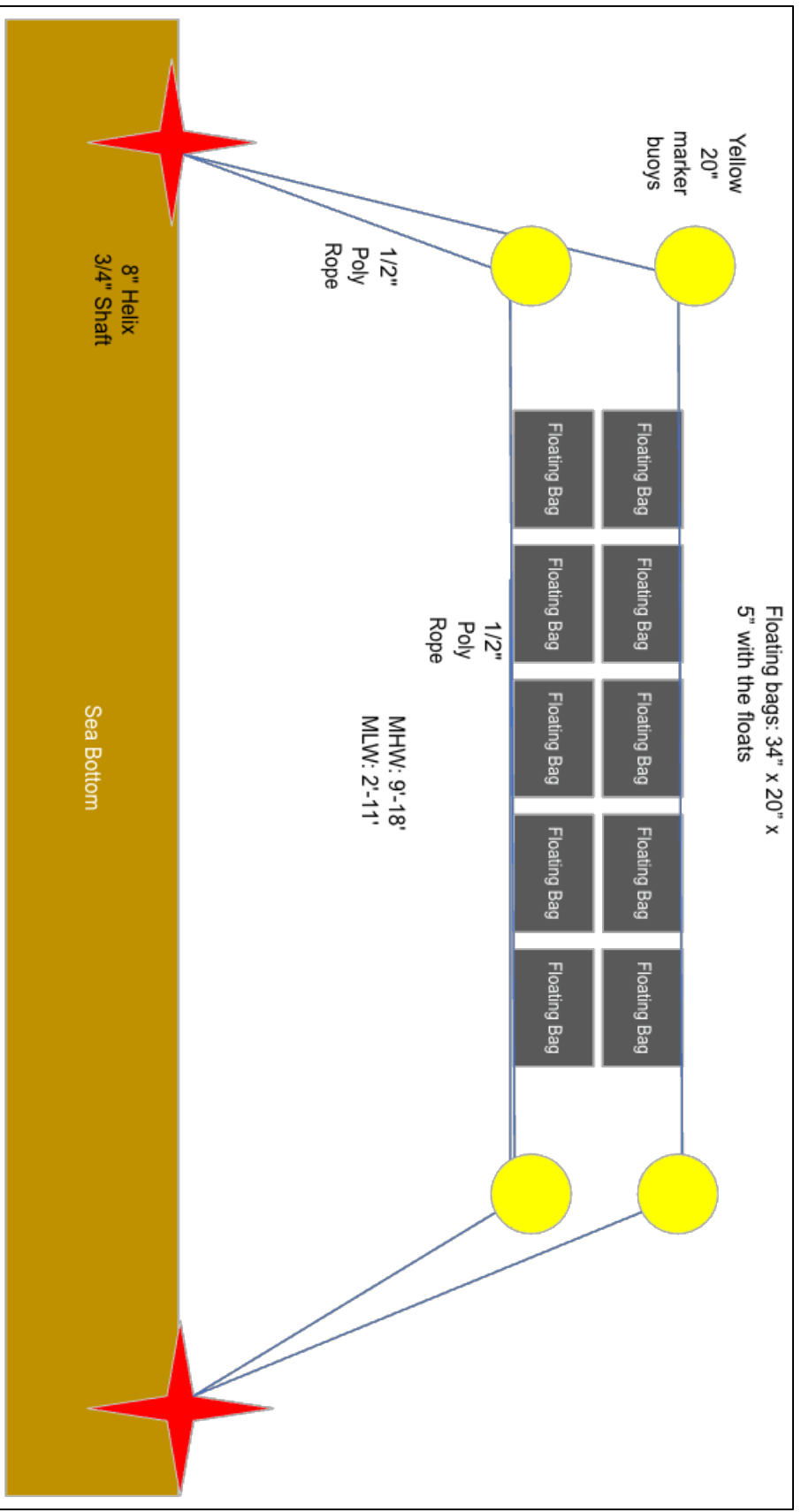


Figure 12. Cross section view of floating bags (located in arrays 1-6 in Layout Scenario A & on the Eastern side of arrays 3-5 in Layout Scenario B).

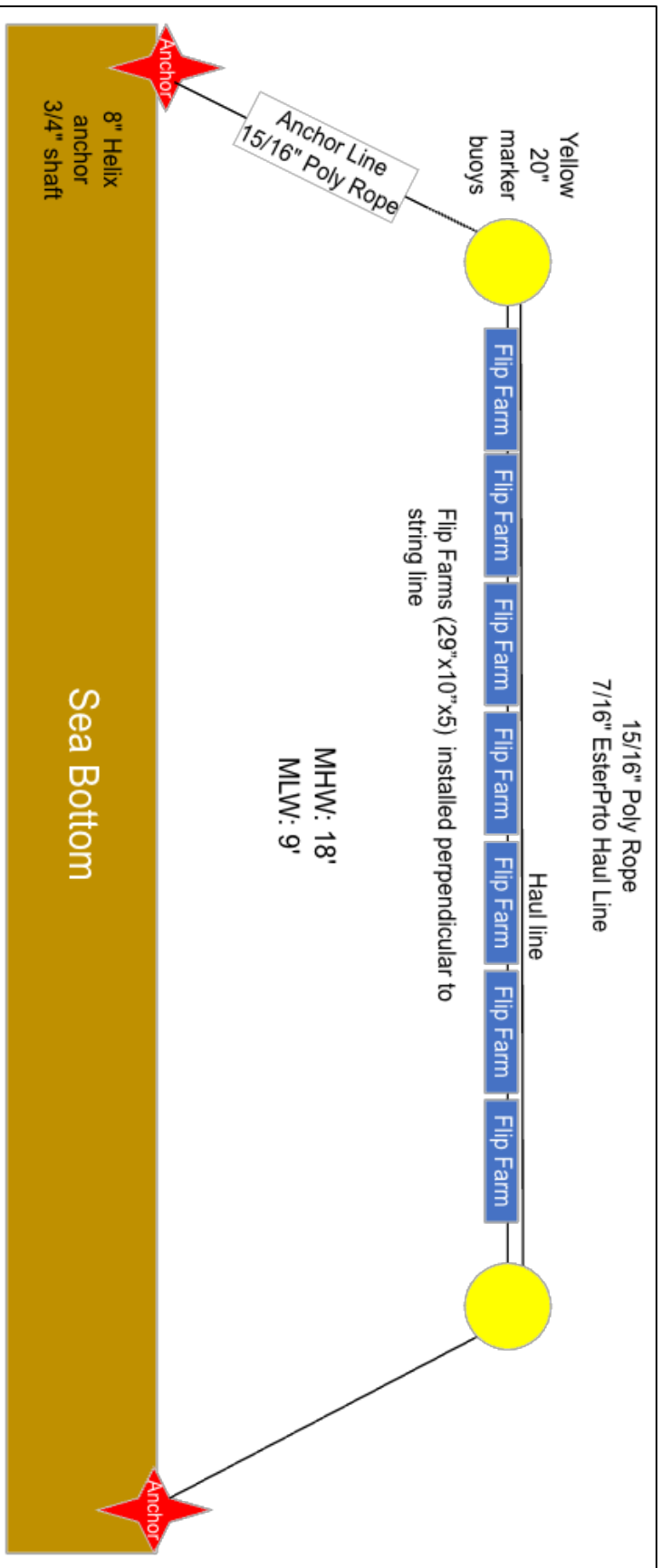


Figure 13. Cross-section view of Flip-Farms (located in arrays 1-2 in Layout Scenario B).

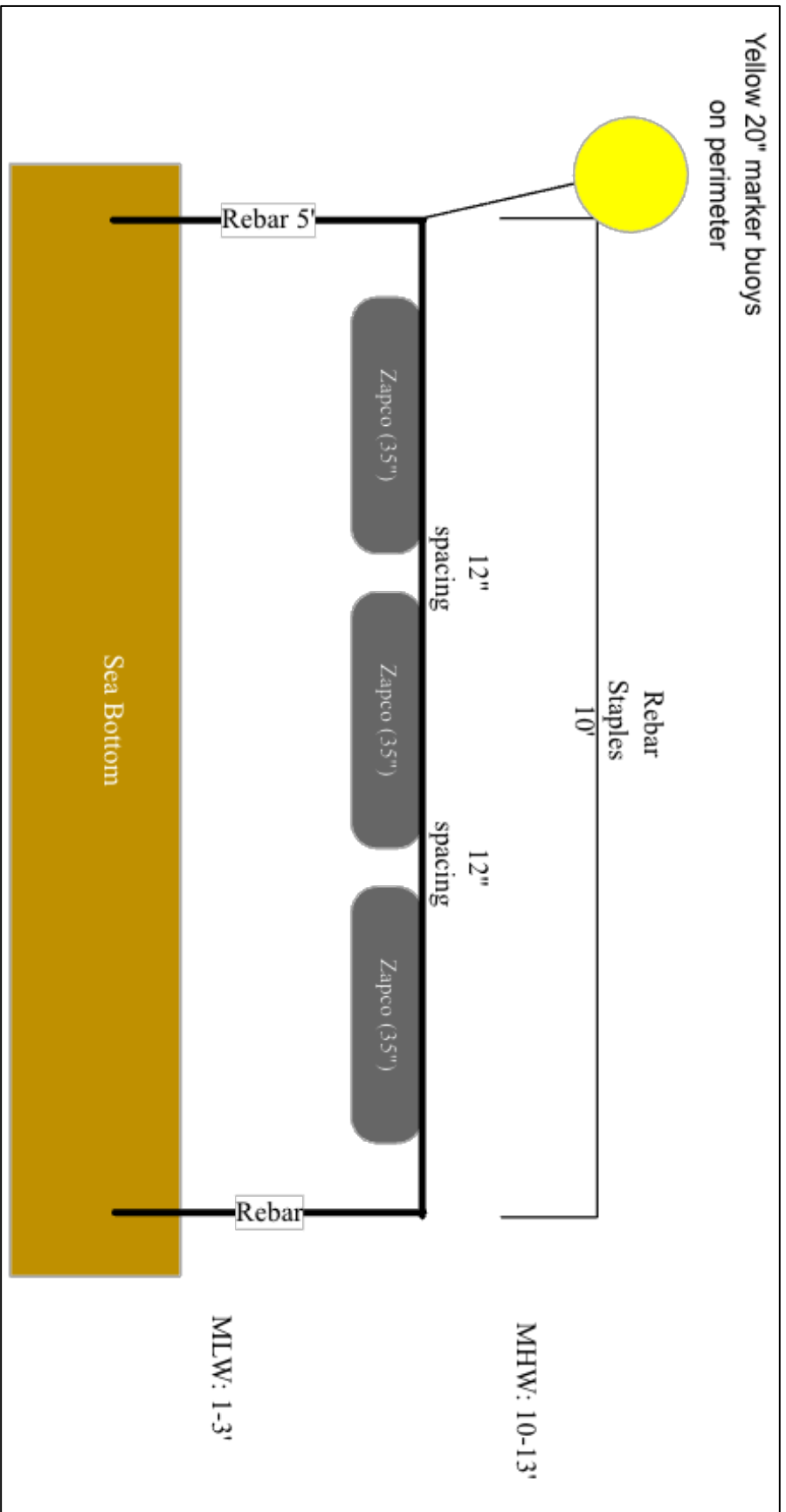


Figure 14. Cross-section example of Zapco's (located on the western side of arrays 3-4 in Layout Scenario B).

B. Gear Information

Directions: Please include a drawing of an individual piece of gear for each gear type you plan to use on your proposed expansion.

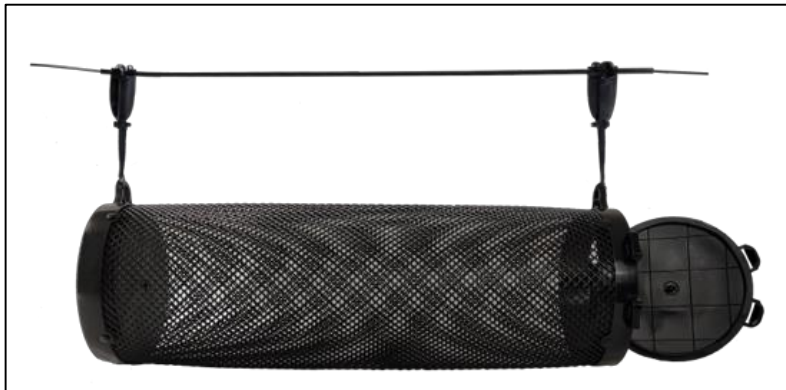
1. **Gear Drawing:** Please include the following for each gear type (e.g. Polar circles, marine algae longline, oyster cages) to be used and label as “New Gear Drawing”. This view must show the following:
 - Length, width, and height of each gear type.
 - Color of proposed gear.



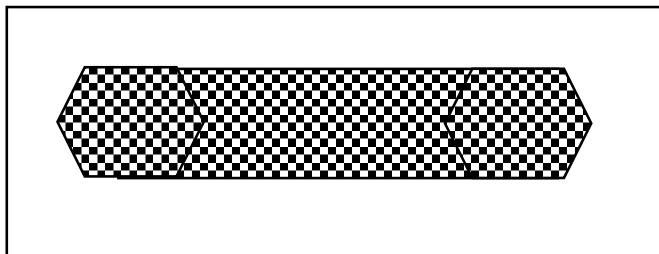
Dimensions:
34” x 20” x 5” with the floats
Color: Black

Oyster Bag Dimension:
34”x20”x5” : made of plastic

Types of floats:
Black Hard Plastic hollow floats, Black dense plastic foam floats, Pool Noodles (phasing out due to color), and Dark Grey Plastic pipe insulator noodles



Dimensions: Ø16 x 33.5”
Color: Black



Dimensions:
29”x10^{5/8}”x5^{7/16}”
Color: Black

C. On-Site Support Structures

1. Describe structures such as barges, sheds, etc., to be located on the proposed expansion. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc.

There will be no structures, such as barges, sheds, etc., to be located on the proposed expansion.

2. Describe the storage and use of oil, gasoline or other hazardous material on this expansion. If you did not provide a spill prevention plan in your initial application, please do so here.

We gas up our vessels and equipment at the dock and keep any gas storage cans off-site.

Note: If a lease expansion 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).

7. PRODUCTION ACTIVITIES

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

<p>A. Please describe how the proposed expansion activities would affect your current operations (seeding, harvesting, tending, maintenance, etc.).</p>
<p>The proposed expansion will not impact our current operations (seeding, harvesting, tending, maintenance, etc.) We still intended to conduct the same activities outlined in our original lease application.</p>

<p>B. 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), and if your expansion would include 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.</p> <p>Examples may include:</p> <ul style="list-style-type: none">• 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)
<p>Oysters harvest and removed from the site will be wet stored for 2 weeks before sale</p>

8. NOISE AND LIGHT

A. Please describe how the proposed expansion activities would affect the noise and light emitted from your current lease.

The proposed expansion activities would not affect the noise and light emitted from our current lease.

9. ENVIRONMENTAL CHARACTERIZATION

Directions: Using your knowledge of the area, describe the environment of the proposed expansion. 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 within the proposed expansion?
The average depth at MLW across the lease is 3 feet

B. What are the approximate depths at mean high water within the proposed expansion?
The average depth at MHW across the lease 12 feet

C. What are the bottom characteristics within the proposed expansion (mud, sand, gravel, rock, ledge or some mix, etc.)?
Bottom characteristics within the proposed expansion is silty and sandy.

D. Describe the bottom topography (flat, steep rough, etc.).
The area within the expansion is realtively flat

E. Describe marine organisms within the expansion by species or common names. Based on your personal observations or other sources of information, are these species abundant, common, or rare?
Mussels, clams, perimwinkles and green crabs occupy the vicinity in common abundance.

F. 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.
There is no eelgrass or other sea-vegetation present in the proposed lease area.

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

Yes No

10. EXISTING USES

A. Describe the existing uses of the proposed expansion (i.e. fishing, sailing, etc.).

The existing uses of the proposed expansion are the same as the existing uses of the existing lease, outlined in the original application. We were originally put in this area to keep out of the way of traffic and clam diggers. In the summer Kayakers like to paddle by in the summer. Occasional recreational fishing in the area, but is uncommon.

B. Describe any effects your proposed expansion might have on existing uses of the area.

The proposed expansion will have no effect on the existing uses, as it just represents a 13.15% increase, in areas we already occupy.

11. RIPARIAN LANDOWNERS AND SITE ACCESS

Is your existing lease or proposed expansion within 1,000ft of shorefront land (which extends to mean low water or 1,650 ft. from shore, whichever is less)?

Yes No

If yes, the following supporting documents are required:

A. Tax Map.

A labeled copy of the appropriate tax map(s) depicting the location of the proposed lease site. The map(s) needs to include the following elements:

- Label the map “Tax Map: Town of (name of town).”
- Legible scale
- Tax lot numbers clearly displayed
- The boundaries of the existing lease and proposed expansion

B. Riparian List.

Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000 feet of your existing lease and/or the proposed expansion. Have the tax collector or clerk of the municipality certify the riparian list.

C. Intertidal Land.

Is any portion of the proposed lease site above mean low water?

Yes No

Note: If you selected yes, please complete the permission requirements included in section “Landowner/Municipal Permission Requirements”.

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 existing 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: *Scarborough*

MAP #	LOT #	Landowner name(s) and address(es)
R088	009	State of Maine
R088	010	State of Maine
R088	011	State of Maine
R070	001	State of Maine

Please use additional sheets if necessary and attach hereto.

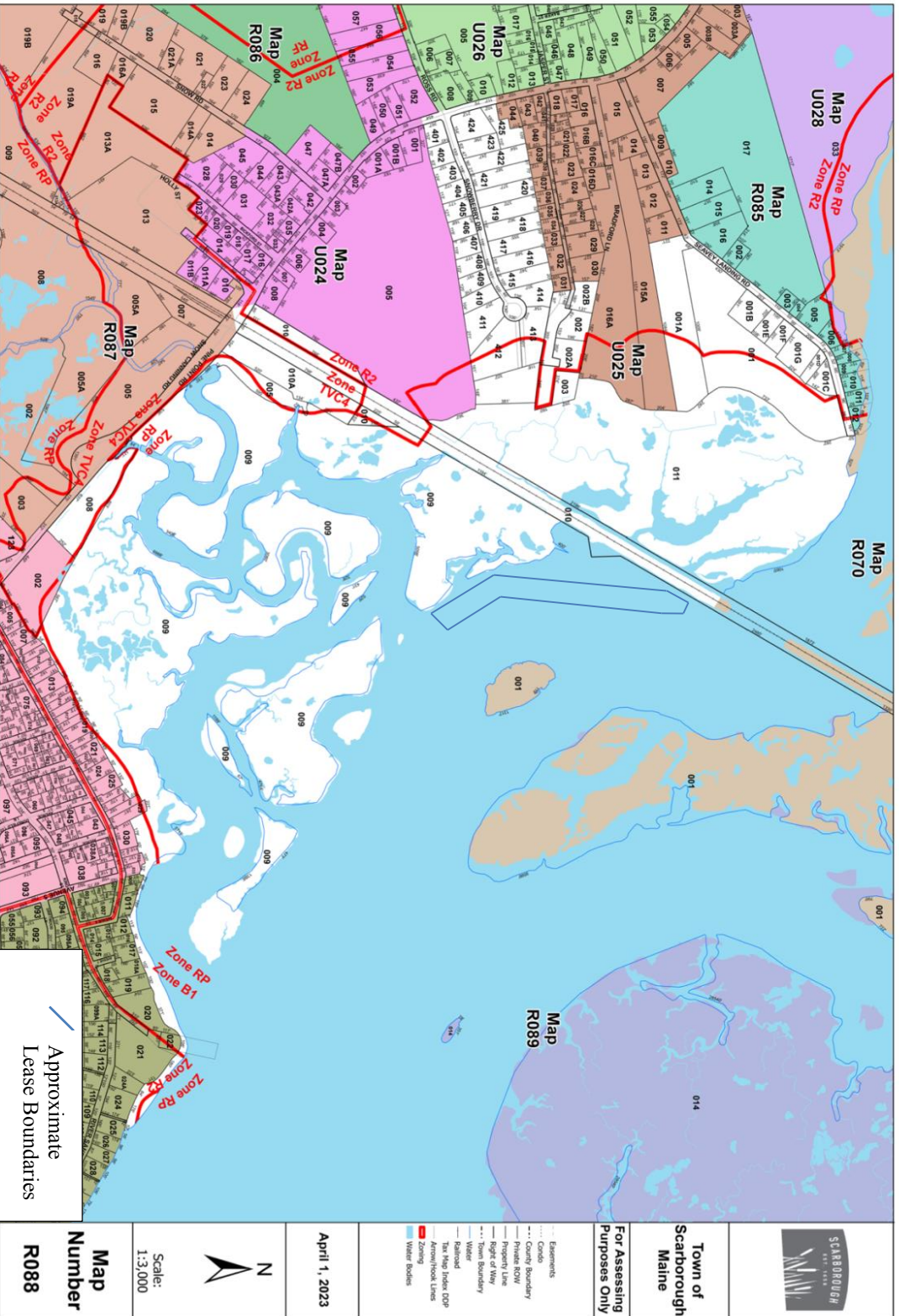
CERTIFICATION

I, Yolande P Justice, Town Clerk for the Town of SCARBOROUGH 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.

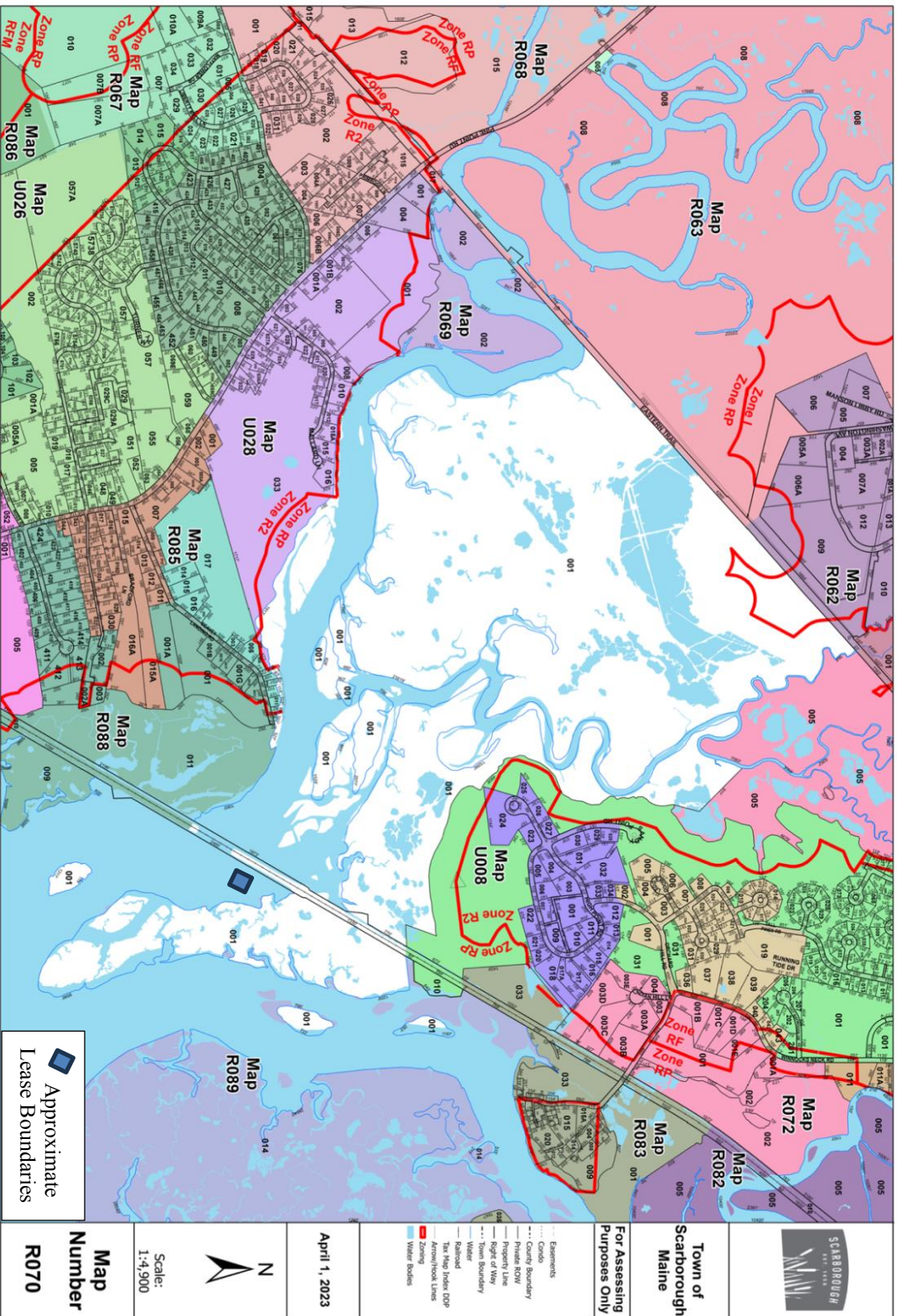
SIGNED: *Y Justice* DATE: 05/13/2024



Tax Map: Town of Scarborough



Tax Map: Town of Scarborough



12. ESCROW ACCOUNT OR PERFORMANCE BOND

Check the category that describes the entirety of your proposed expanded operation, including your original lease:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
	No gear/structure, no discharge	None
	No gear/structure, discharge	\$500.00
	≤ 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*
	Gear/Structure, discharge	\$25,000.00


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

Will your proposed expansion alter your current lease category?

Yes No

Note: If yes, your current escrow account or performance bond must be amended to reflect the revised amount if your proposed expansion is issued.

I, (*printed name of applicant*) Ryan McPherson have read DMR Aquaculture Regulations 2.40(2)(A) and if this proposed expansion is granted by DMR I will amend my current escrow account or performance bond to reflect the amount determined by the lease category.


 Ryan McPherson (Jun 17, 2024 11:20 EDT)

Applicant Signature

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

17/06/24

Date

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

I, (*printed name of applicant*) _____ have read DMR Aquaculture Regulations 2.40(2)(A) and if this proposed expansion is granted by DMR I will amend my current escrow account or performance bond to reflect the amount determined by the lease category.

Applicant Signature

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

Date

13. 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 aquaculture lease expansion process.

Printed name: Ryan McPherson

Title (if corporate applicant): President

Signature: 
Ryan McPherson (Jun 17, 2024 11:20 EDT) Date: 17/06/24

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.

ADDITIONAL APPLICANTS

Printed name: _____

Title (if corporate applicant): _____

Signature: _____ Date: _____

14. LANDOWNER/MUNICIPAL PERMISSION REQUIREMENTS (if applicable)

Directions: If any portion of the proposed expansion is intertidal you need to complete the steps outlined below.

Step I: Obtain written permission from all intertidal landowners.

Pursuant to 2.10(3)(G) the Department requires *written permission of every owner of intertidal land in, on, or over which the expanded lease 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 expanded 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

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