

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

Albatross Fisheries, LLC

Standard Aquaculture Lease Application
Suspended Culture of Marine Algae
St. George River, St. George, Maine

STG DC2

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Albatross Fisheries, LLC applied to the Department of Marine Resources (DMR) for a twenty-year standard aquaculture lease on 4.38¹ acres located in Deep Cove, St. George River, St. George, Knox County, Maine. The proposal is for the suspended culture of sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*), dulse (*Palmaria palmata*), nori/laver (*Porphyra* spp), red seaweed (*Gracilaria tikvahiae*), Irish moss (*Chondrus crispus*), and sea lettuce (*Ulva lactuca*). The applicant currently operates the 3.83² acre experimental lease STG DC2x within the footprint of the standard lease proposal.

1. THE PROCEEDINGS

The pre-application meeting on this proposal was held on January 19, 2022, and a scoping session was held on June 7, 2022. DMR accepted the final application as complete on March 17, 2023. Notice of the completed application and public hearing was provided to state agencies, the Town of St. George, and subscribers to DMR's aquaculture email listserv³. A Harbormaster Questionnaire was sent to the Harbormaster, requesting information about designated or traditional storm anchorages, navigation, riparian ingress and egress, fishing or other uses of the area, among other considerations. A response was received by DMR on March 28, 2023. Notice of the hearing was published in the *Midcoast Villager* on January 9, 2025. The public notice for the hearing stated that the proceeding would be conducted in-person and remotely and directed interested persons to register to provide testimony or ask questions during the proceeding. No applications for intervenor status were received by DMR. A public hearing on this application was held on February 10, 2025. Three individuals registered to participate in the hearing but did not testify.

¹ Applicant originally requested 4.41 acres. DMR calculations indicate the area is 4.38 acres.

² STG DC2x decision history, page 1

³ There are no riparian landowners within 1,000 feet of the proposed site.

Sworn testimony was given at the hearing by Scott Lord. Additional DMR staff and members of the public attended the hearing but did not offer testimony. The Hearing Officer was Maria Eggett. The evidentiary record before DMR regarding this lease application includes the record of testimony at the hearing. The evidence from all sources is summarized below.⁴

LIST OF EXHIBITS

1. Case file
2. Application
3. DMR site report, issued on June 25, 2024

2. DESCRIPTION OF THE PROJECT

A. Proposed Operations

The applicant proposes to culture sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*), dulse (*Palmaria palmata*), nori/laver (*Porphyra* spp), red seaweed (*Gracilaria tikvahiae*), Irish moss (*Chondrus crispus*), and sea lettuce (*Ulva lactuca*) using suspended culture techniques (App 1,5). The applicant proposes to use seventeen 1,000 linear foot culture lines and eleven 160 linear foot cross lines as well as moorings, depth control weights, buoys, and lines (App 5, 6).

The applicant anticipates seeding algae from October to December. The applicant expects to tend the site at least once every two weeks during the growing season (App 9). Marine algae will be hand harvested from March to June 15. The culture and cross lines and depth control buoys will be removed from the site from June 16 to September 30 each year. The mooring components and corner marker buoys will remain on-site year-round (App 10).

⁴ Exhibits 1, 2, and 3 are cited below as: Case file – “CF”, Application – “App”, site report – “SR”.

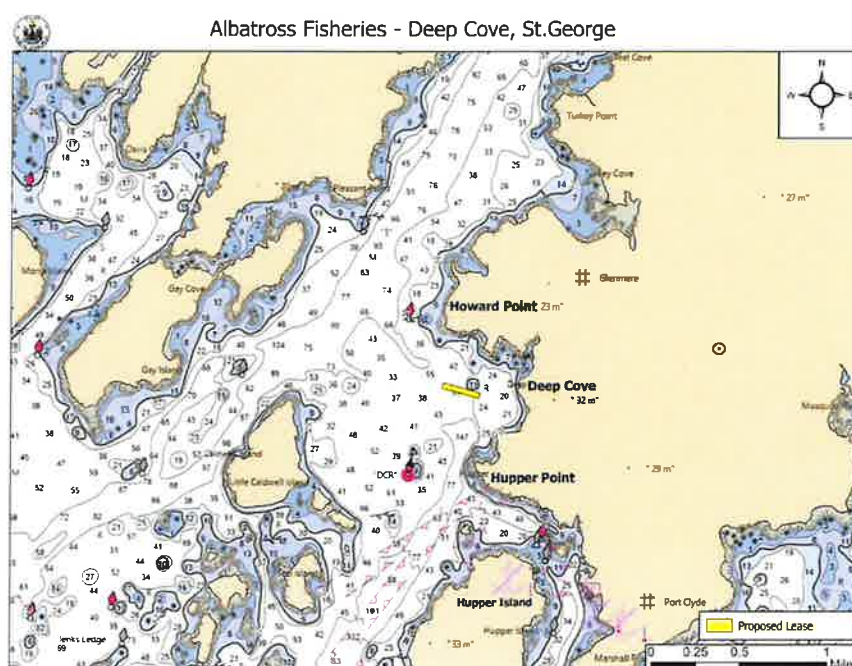


Figure 1: Proposed standard lease boundaries⁵.

B. Site Characteristics

On October 18, 2023, DMR scientists assessed the proposed lease site. The proposal is situated in the middle of Deep Cove. The vicinity around the proposal includes a rocky shoreline with rockweed coverage leading to forested uplands, as well as maintained residential lawns (SR 2).

C. Experimental Lease Operations

On October 10, 2019, Albatross Fisheries, LLC was granted the experimental lease, STG D2x in accordance with 12 M.R.S.A. §6072-A. The experimental lease was issued for a three-year term and authorized the suspended culture of sugar kelp, skinny kelp, winged kelp, horsetail kelp, dulse, Irish moss, and laver using fourteen 1,000 foot longlines suspended below the surface of the water. The applicant had originally proposed to remove the 14 longlines and associated depth control lines, buoys, and concrete weights by mid-June, but would leave 32 moorings, lines, and buoys in place year-round. The experimental lease decision found that leaving the moorings and associated tackle on the site year-round could have adverse impacts on navigation and commercial fishing. The original decision also stated that these impacts could be further exacerbated by the fact that two other aquaculture applications with similar operations were also proposed and under consideration near this site. Both of those applications also included leaving

⁵ All of the images in this decision were obtained from the DMR site report.

up to 32 moorings, lines, and buoys in place year-round which could result in over 90 moorings in Deep Cove.

Therefore, pursuant to 12 M.R.S.A. §6072-A(15), DMR conditioned STG DC2x to require that all gear including moorings and lines and buoys be removed from the water between June 15 and October 1 each year. Albatross Fisheries, LLC executed the lease agreement on October 25, 2019 with the term of the lease beginning on October 22, 2019 and continuing through October 21, 2022.⁶ The lease expired on October 21, 2022, but 12 M.R.S.A. §6072-A(20) provides that if the experimental lease holder applies for a standard lease under 12 M.R.S.A. § 6072 and that application encompasses all or a portion of the experimental lease area then the holder of the experimental lease can continue to operate the site while DMR considers the standard lease application. In accordance with 12 M.R.S.A. §6072-A(20), the standard lease application must be submitted prior to the expiration of the experimental lease. On March 23, 2022, Albatross Fisheries LLC submitted a standard lease application for the entirety of area encompassed by STG DC2x, which was several months prior to the expiration of STG DC2x. Therefore, Albatross Fisheries LLC has been able to continue operating the experimental lease.

On October 10, 2019, DMR also granted STG DC1x and STG DC3x, the two other experimental lease proposals within the immediate vicinity of STG DC2x. The experimental lease STG DC1x was issued to John Cotton and is located approximately 400 feet south of STG DC2x. STG DC3x was issued to Miss Madisyn LLC a company owned by Greg Morris and approximately 110 feet south of the experimental held by Albatross Fisheries LLC. Figure 4 depicts the location of all three experimental lease sites. The operations on STG DC1x and STG DC3x were the same as STG DC2x and were also conditioned to require that gear be removed by June 15 each year. Both John Cotton and Miss Madisyn LLC filed standard lease applications prior to the expiration of their experimental leases, so they have been able to continue operating their respective experimental leases.⁷ However, John Cotton's standard lease application was recently withdrawn, so STG DC1x was terminated effective February 27, 2025.

D. Technical Capability

Over the course of the experimental lease term, Albatross Fisheries LLC, which is owned by Scott Lord, has been unable to fully comply with the lease condition requiring the removal of all gear, including moorings by June 15. On June 17, 2020, the Aquaculture Division received a complaint from a commercial fisherman that gear, and moorings were still deployed on the lease site. The fisherman was very concerned about the gear because it was preventing him from seining in area, which could have implications for his

⁶ Experimental leases have a maximum 3-year term. Chapter 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 term begins, and the lease agreement is signed." In this case, the applicant chose to start the term of the lease on October 22, 2019, but could not deploy gear or otherwise conduct aquaculture activities on the site until the lease agreement was signed on October 25, 2019.

⁷ The standard lease application for STG DC3x was deemed complete by DMR on May 30, 2023, and at the time this decision was finalized is awaiting a public hearing.

quota.⁸ The complaint was shared with Marine Patrol, who inspected the site and on June 18, 2020, confirmed that 12 moorings were still within the boundaries of STG DC2x. Marine Patrol issued a warning to Mr. Lord.

On June 21, 2020, DMR received another complaint from a commercial lobsterman that aquaculture gear was still deployed. The fisherman stated that the area is a very popular spot to seine for pogies [menhaden (*B. tyrannus*)], but the presence of aquaculture gear prevented him and others from being able to fish in that area. The fisherman also stated that the aquaculture gear would interfere with lobster fishing.⁹ On June 22, 2020, the complaint was referred to Marine Patrol for follow-up. On July 6, 2020, Marine Patrol confirmed that there were moorings still in the area. Marine Patrol further stated they had contacted all lease holders [John Cotton, Greg Morris, and Scott Lord] who confirmed the moorings would be removed by July 7, 2020. On July 8, 2020, Marine Patrol confirmed that all moorings had been removed.

In late May or early June 2022, Mr. Lord contacted a staff member in the Aquaculture Division informing them that he did not think he would be able to meet the June 15 removal deadline. On June 9, 2022, Mr. Morris contacted Marine Patrol to inform them that he would also not be able to meet the June 15 removal deadline. On June 10, 2022, DMR agreed to grant Messrs. Morris and Lord an extension of one week to the June 15 gear removal deadline. DMR granted the extension as Mr. Morris had stated that the delay was due to exonerating factors, illness and equipment malfunction. DMR proactively granted the extension to Mr. Lord based on DMR's understanding that Mr. Morris helped tend STG DC2x. Prior to granting the extension, Marine Patrol confirmed that menhaden fishing would begin on June 13, 2022, but noted menhaden activity had been minimal in the area compared to prior seasons.¹⁰ DMR did not receive any complaints concerning gear during the timeframe the extension was in effect.

If approved, the standard lease application submitted by Albatross Fisheries LLC would increase what was authorized as part of STG DC2x. The size of the site would increase from 3.83 acres to 4.38 acres. The amount of gear would increase from 14 longlines to 17 longlines, which would, as a result, increase the number of moorings, tackle, and buoys. Albatross Fisheries LLC is proposing to deploy gear from October 1-June 15, which is consistent with the prior condition placed on STG DC2x.

Discussion

In accordance with 12 M.R.S.A. §6072(5), DMR made a preliminary determination that the application demonstrated Albatross Fisheries LLC had the technical capability to carry out the proposed

⁸ Email from F. Drury to Lt. D. White (June 17, 2020). The specific species being targeted was not provided in the email, but based on the time of year, fishing method, reference to quota, and the receipt of an additional complaint three days later, it is highly likely the fisherman was targeting menhaden (*B. tyrannus*). Menhaden is a quota fishery meaning that once the allowable catch is met the fishery is closed.

⁹ Emails from D. Delano to S. Cotnoir and S. Cotnoir to other DMR staff and Marine Patrol from June 21-July 8, 2020.

¹⁰ Emails from AQ Division staff (C. Adams, M. Nelson), and Marine Patrol (M. Wyman) from June 9-13, 2022.

activities and deemed the application complete. However, further review of the operation of the experimental lease calls into question the applicant's technical capability to operate a standard lease that is larger in size and contains more gear. The question of the applicant's capacity to operate the standard lease in accordance with the application is pertinent as DMR evaluates the proposal in accordance with the lease decision criteria contained in 12 M.R.S.A. §6072(7-A). The review of the prior complaint and ability to adhere to lease conditions is relevant as a history of such failures may suggest a likelihood that the proposed lease operations under review will involve future non-compliance and violations of applicable standards under 12 M.R.S.A. §6072(7-A).

For two out of a three-year term, Albatross Fisheries LLC was unable to comply with the gear removal requirement. In 2020, Albatross Fisheries LLC failed to remove the gear by the June 15 deadline, doing so instead on July 8, nearly 30 days later. This delay affected menhaden fishing operations. This is particularly concerning for menhaden fishing, as its season is typically brief (~11 weeks in duration), and fishermen rely on every available opportunity to catch menhaden before the quota is reached and the fishery is closed. Although Albatross Fisheries LLC was granted an extension to the June 15 deadline by DMR, this marked the second instance in which the company was unable to remove its gear in compliance with the condition.

Albatross Fisheries LLC has proposed removing gear by June 15 in the standard lease application. However, it could not consistently meet this deadline when it was a condition of the experimental lease. Based on a review of the experimental lease record, Albatross Fisheries LLC has not fully demonstrated it has the technical capacity to operate this site as originally proposed in a manner that encourage the greatest multiple, compatible uses of the leased area. Because of this finding, DMR will establish a condition, pursuant to 12 M.R.S.A § 6072(7-B), that mandates gear removal by May 31 each year, which includes site markers. The lease, if granted, will be issued for a ten-year term.

Requiring gear removal 15 days earlier than originally proposed ensures that DMR can take timely action to enforce the condition for gear removal before June 15. The record also indicates that menhaden fishing in the area could also begin earlier than June 15. For example, in 2022, the season began on June 13. Over the last several years, the menhaden fishing season has begun in early to mid-June, so requiring that aquaculture gear be removed by the end of May accounts for a possible early June start. Removing the site markers ensures that fishermen know the area is free from aquaculture gear and they can deploy their own gear accordingly. Additionally, a ten-year term provides the applicant with an opportunity to demonstrate that they can adequately manage a site of this scale prior to possibly being granted a 20-year term.

3. STATUTORY CRITERIA & FINDINGS OF FACT

Approval of standard aquaculture leases is governed by 12 M.R.S.A. §6072. This statute provides that a lease may be granted by the Commissioner upon determining that the project will not unreasonably interfere with: the ingress and egress of riparian owners; navigation; fishing or other uses of the area, taking into consideration other aquaculture uses of the area; the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna; or the public use or enjoyment within 1,000 feet of beaches, parks, docking facilities, or conserved lands 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; that the lease will not result in an unreasonable impact from noise or lights at the boundaries of the lease site; and that the lease will comply with visual impact criteria adopted by the Commissioner.

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(7-A)(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)¹¹.

The applicant has operated 3.83-acre experimental lease STG DC2x within the boundaries of this proposal for over five years. During that time, no issues concerning riparian access have been reported to DMR.

At mean low water (MLW), the Northeast (NE) corner of the proposal is 1,121 feet to the eastern shoreline of the St. George River and the Southeast (SE) corner is ~1,539 feet to Hupper Point (Figure 1). During the site visit, DMR observed six piers to the east of the proposal in Deep Cove and one pier to the north of the proposal. Four of the observed piers did not have a dock in the water at the time of the site visit. Based on the time of year the site visit occurred, it is likely the docks had been removed from the water for the winter season. Additionally, DMR observed two mooring fields to the east of the proposal. One mooring field had 12 vacant moorings and is approximately 929.8 feet to the northeast of the proposal. The second mooring field observed is approximately 1,091.7 feet southeast of the proposal and contained eight total moorings. Seven moorings were vacant and one mooring had a boat attached to it (Figure 2). The Harbormaster stated in the Harbormaster Questionnaire that the proposal should not affect riparian ingress and egress (SR 4, 5).

¹¹ 13-188 C.M.R. ch. 2.

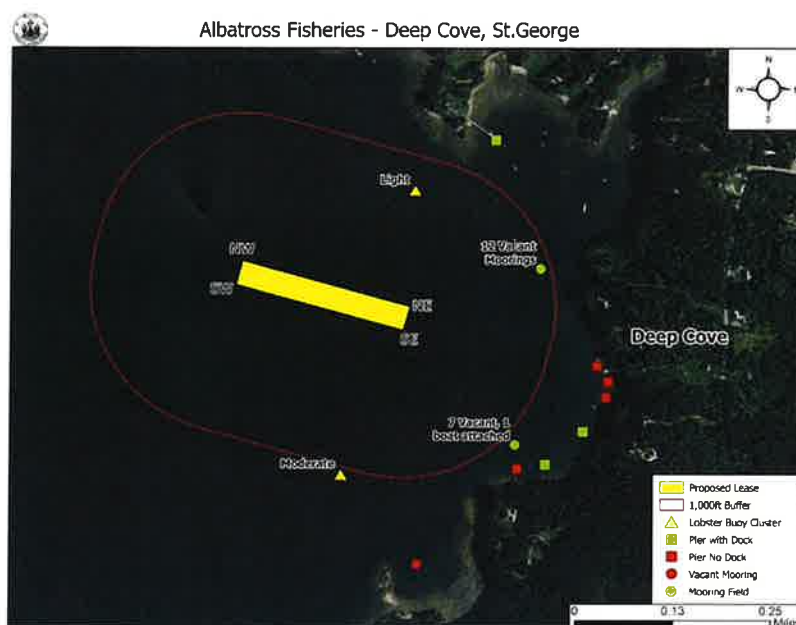


Figure 2. Proposed lease area with site visit observations.

No testimony or evidence was offered at the hearing concerning riparian ingress and egress. Given the distance from the proposed lease to any riparian land and/or structures, it is unlikely that the proposed lease activities will impede access.

Therefore, the aquaculture 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(7-A)(B); Chapter 2.37(1)(A)(2)).

The applicant has operated 3.83-acre experimental lease STG DC2x within the boundaries of this proposal for over five years. During that time, no issues concerning navigation have been reported.

The proposal is located in Deep Cove, approximately 890 feet to the east of the navigational channel. There is 4,333 feet of navigable water at mean low water between the proposal and Caldwell Island to the west (Figure 3). DMR observed a large powerboat and a lobster boat operating to the west of the proposal during the site assessment on October 18, 2023. The Harbormaster stated in the Harbormaster Questionnaire that the proposal would have no impact on navigation or storm anchorages (SR 5).

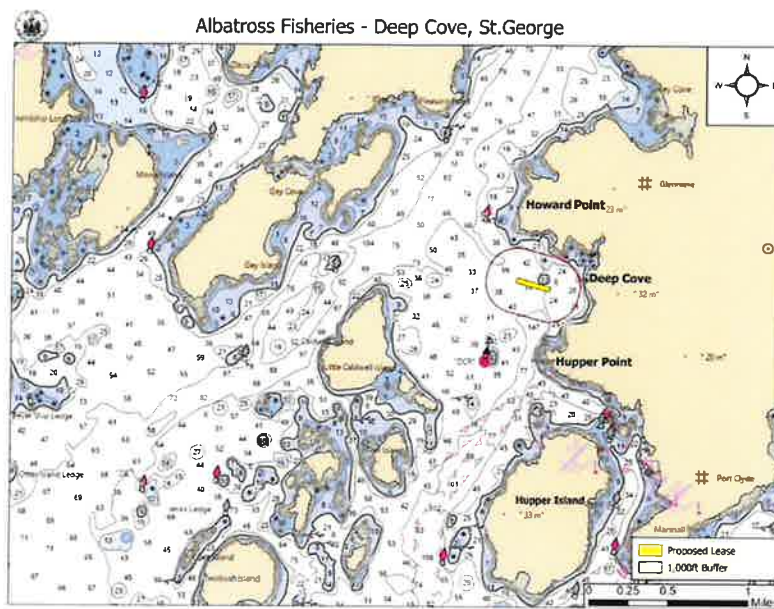


Figure 3. Navigational channels in the vicinity of the proposed lease area.

During the public hearing, no testimony or evidence was offered regarding potential impacts to navigation. Due to the distance from the proposal to the navigational channel and the depths of the surrounding waters, sufficient distances for navigation remain. Based on a review of compliance with the experimental lease conditions, it appears that a failure to remove all gear including moorings by June 15 had negative impacts on commercial fishing, not navigation. However, for the reasons specified in section 2.D., if the lease is granted it will be conditioned to require that all gear including moorings and site markers be removed by May 31 each year. This condition, which is intended to avoid adverse impacts to commercial fishing would have the effect of ensuring that all gear including moorings are removed by May 31, which may provide additional benefit to navigation in the area.

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

C. Fishing & Other Uses

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(7-A)(C); Chapter 2.37(1)(A)(3)).

The applicant has operated 3.83-acre experimental lease STG DC2x within the boundaries of this proposal. As noted in section 2.D. of this decision, the applicant has been unable to remove all gear, including moorings from the lease area by the June 15 deadline imposed by the experimental lease terms

which has negatively impacted commercial fishing activities. Therefore, if the lease is granted, a condition will be imposed requiring that all gear, including moorings, and boundary markers be removed by May 31 each year.

Fishing. During the site assessment, DMR observed a small (light) cluster of lobster buoys approximately 772.2 feet north of the proposal. A moderate cluster of lobster buoys was observed approximately 1,047.3 feet south of the proposal (Figure 2). No recreational fishing activity was observed within the vicinity of the proposed lease. The Harbormaster stated in the Harbormaster Questionnaire that there is no commercial or recreational fishing within the area of the proposal (SR 6). No testimony was given at the public hearing concerning impacts to commercial or recreational fisheries.

However, a review of compliance with experimental lease conditions demonstrates that menhaden fishing and lobster fishing occur in the area beginning early to mid-June, and that the applicant's past failures to remove all gear and moorings from the area within the timeframes established by the experimental lease has interfered with these fishing activities. It is possible that the Harbormaster review was specific to fishing activity when the standard lease is proposed to be active, October 1-June 15. In any case, if the lease is granted it will be conditioned so that all gear, including moorings and site markers are removed by May 31. This to ensure that gear is promptly removed prior to menhaden fishing, and it is clear to fishermen that the area is open to seining and the deployment of lobster traps.

No testimony was given at the public hearing concerning impacts to commercial or recreational fisheries.

Other uses. The application states there is occasional kayaking in the project vicinity, however, this activity does not occur when the culture lines are in the water (App 16). No evidence or testimony was provided at the hearing concerning other uses in the area.

Therefore, given the lease condition imposed, the aquaculture activities proposed for this site will not unreasonably interfere with fishing or other uses of the area.

D. Other Aquaculture Uses

DMR's Chapter 2 regulations require the Commissioner to 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 a factor 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." Chapter 2, § 2.37(1)(A)(4).

At the time the site report was published, there were three aquaculture leases (STG DC2x, STG DC3x, STG DC1x) and five limited purpose aquaculture (LPA) sites (JSCH820, JCOT117, JCOT219, JCOT319, JCOT419) within 1,000 feet of the proposal (Figure 4). Since the site report was published,

STG DC1x has been terminated. STG DC2x is held by the applicant. This standard lease proposal is intended to replace STG DC2x. STG DC3x was granted in 2019, is 110 feet south of this proposal and is held by Miss Madisyn LLC. STG DC3x is approved for the cultivation of marine algae and is conditioned on gear being removed between June 15 and October 1 annually. STG DC3x has a pending standard lease application that was deemed complete by DMR on May 30, 2023.

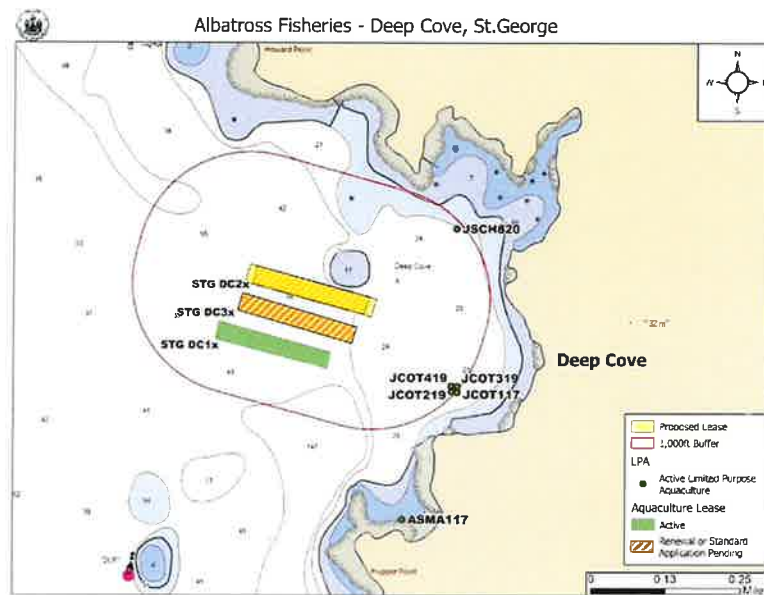


Figure 4. Aquaculture leases and LPA licenses in the vicinity of the proposed lease area.

No evidence or testimony was given at the public hearing concerning other aquaculture uses of the area. Given that one other experimental lease and the five LPAs in this area have been operating in proximity since 2019 with no identified issues, that the other experimental lease site is similarly approved for the cultivation of marine algae, DMR concludes that the proposed operation will not interfere with the operations of the existing lease or LPAs.

Therefore, the aquaculture activities proposed for this site will not unreasonably interfere with existing aquaculture operations in the area.

E. 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)).

The applicant has operated 3.83-acre experimental lease STG DC2x within the boundaries of this proposal for over five years. During that time, no issues concerning flora and fauna have been reported.

Site observations. DMR utilized a remotely-operated vehicle to assess the epibenthic ecology of the proposed lease. Sand shrimp (*Crangon septemspinosa*) and winter flounder (*Pleuronectes americanus*) were common in the proposed lease footprint (SR 7).

Eelgrass. Recent records of eelgrass collected by the Maine Department of Environmental Protection (MDEP) in 2023 indicate no mapped eelgrass presence in the vicinity of the proposal.¹² No eelgrass was observed within the proposal boundaries during DMR's site assessment (SR 7).

Wildlife. According to Geographic Information System (GIS) data maintained by the Maine Department of Inland Fisheries and Wildlife and available through the Maine Office of GIS (MEGIS), the proposed lease is not located within 1,000 feet of mapped Tidal Waterfowl and Wading Bird Habitat. 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 0.95 miles southwest of the proposal.

During the site assessment, DMR observed double-crested cormorants (*Nannopterum auritum*), common loons (*Gavia immer*), harbor seals (*Phoca vitulina*), and herring gulls (*Larus argentatus*) in the general vicinity of the proposal (SR 8).

No evidence or testimony was given at the public hearing concerning significant flora and fauna in the area.

Based on the record, including the absence of eelgrass and significant wildlife habitats, it appears that the proposed lease activities will not interfere with the ecological functioning of the area.

Therefore, 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.

F. 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 beach, park, docking facility, or certain conserved lands 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)).

The proposed lease is not within 1,000 feet of any beach, park, docking facility, or conserved lands owned by federal, state, or municipal governments (SR 9).

¹² Data obtained from The Maine Office of GIS "GISVIEW.MESEP.Seagrass2023". Widgeon grass was observed only in a tributary to the Great Salt Bay, upstream of a culvert that likely restricts tidal flow. Eelgrass was the dominant vascular species in all other locations. This is the most current record of mapped eelgrass within the vicinity of the proposal.

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

G. 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).

According to the application, sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*), dulse (*Palmaria palmata*), nori/laver (*Porphyra* spp), red seaweed (*Gracilaria tikvahiae*), Irish moss (*Chondrus crispus*), and sea lettuce (*Ulva lactuca*) would be sourced from Atlantic Sea Farms in Biddeford, Maine (App 2). This is currently an approved source for sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), sea lettuce (*Ulva fenestrata*)¹³, and shotgun kelp (*Agarum clathratum*), but not for nori/laver (*Porphyra* spp) or red seaweed (*Gracilaria tikvahiae*).

At the public hearing, the applicant stated that he did not currently have an alternate source, but if an approved source became available, he would seek DMR approval (Lord testimony).

Therefore, Mr. Lord has not demonstrated a source of stock for nori/laver (*Porphyra* spp) or red seaweed (*Gracilaria tikvahiae*), so these species would not be authorized if the lease is approved.

Therefore, the applicant has demonstrated an available source of stock for sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), sea lettuce (*Ulva fenestrata*), and shotgun kelp (*Agarum clathratum*) to be cultured for the lease site. The applicant has not, however, demonstrated an available source of stock for nori/laver (*Porphyra* spp) or red seaweed (*Gracilaria tikvahiae*) to be cultured for the lease site.

H. Light

¹³ Atlantic Sea Farms recently modified their land-based aquaculture license to culture *Ulva fenestrata*, a sea lettuce native to the Gulf of Maine, instead of *Ulva lactuca*. In response to a question at the hearing, the applicant confirmed he proposes to culture *Ulva fenestrata* instead of *Ulva lactuca*.

The Commissioner evaluates lighting in accordance with 12 M.R.S.A §6072(7-A)(G) and the regulatory standards specified in Chapter 2.37(1)(A)(8). The statute specifies that a lease must not result in an unreasonable impact from light at the boundaries of the proposed site. The applicable regulation imposes specific requirements related to lighting, including a requirement that the applicant demonstrate that all reasonable measures will be taken to mitigate light impacts associated with the lease activities.

According to the application, lights would only be used on the proposed lease site in emergency situations (App 12). Chapter 2.37(1)(A)(8) exempts the use of lights in such situations.

Therefore, the proposed aquaculture activities will not result in an unreasonable impact from light at the boundaries of the lease site.

I. Noise

The Commissioner evaluates noise in accordance with 12 M.R.S.A §6072(7-A)(G) and the regulatory standards specified in Chapter 2.37(1)(A)(9). The statute specifies that a lease must not result in an unreasonable impact from noise at the boundaries of the proposed site. The applicable regulation imposes specific requirements related to noise, including a requirement that the applicant take all reasonable measures to mitigate noise impacts associated with the lease activities.

According to the application, a lobster boat and small skiff are the only powered equipment proposed for the lease operations. In response to a question from DMR at the hearing, the applicant stated the skiff would only be running intermittently when on-site and the lobster boat would only be running on-site during harvesting (Lord testimony).

Considering that no other noise generating equipment is proposed, and that the proposed vessels that would be used are consistent with commonly observed watercraft in the area, the limited noise generated by vessels would not be an unreasonable impact.

Therefore, the aquaculture activities proposed for this site will not result in an unreasonable impact from noise at the boundaries of the lease.

J. Visual Impact

The Commissioner evaluates visual impact in accordance with 12 M.R.S.A §6072(7-A)(H) and the regulatory standards specified in Chapter 2.37(1)(A)(10).

In response to a question from DMR at the hearing, the applicant confirmed that if the project is approved, all surface gear, excepting corner marker and exterior boundary buoys, will comply with the approved colors so anything that is currently proposed as yellow, red, or white will either be gray, black, brown, blue, or green (Lord testimony). Lease sites must be marked in accordance with Chapter 2.80 of

DMR's regulations, which specify that marker buoys must be yellow in color. If the lease is granted, the holder would be responsible for complying with these marking requirements.

Therefore, the equipment utilized on the proposed lease site will comply with the DMR's visual impact criteria.

4. CONCLUSIONS OF LAW

Based on the above findings:

- a. The aquaculture activities proposed for this site will not unreasonably interfere with the ingress and egress of any riparian owner.
- b. The aquaculture activities proposed for this site will not unreasonably interfere with navigation.
- c. Given the lease condition imposed, the aquaculture activities proposed for this site will not unreasonably interfere with fishing or other uses of the area, including water-related uses.
- d. The aquaculture activities proposed for this site will not unreasonably interfere with other aquaculture uses of the area.
- e. The aquaculture activities proposed will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.
- f. The aquaculture activities proposed for this site will not unreasonably interfere with the public use or enjoyment within 1,000 feet of beaches, parks, docking facilities, or certain conserved lands owned by municipal, state, or federal governments.
- g. The applicant has demonstrated that there is an available source for sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), sea lettuce (*Ulva fenestrata*), and shotgun kelp (*Agarum clathratum*) to be cultured for the lease site. The applicant has failed to demonstrate an available source of stock for nori/laver (*Porphyra* spp) or red seaweed (*Gracilaria tikvahiae*) to be cultured for the lease site.
- h. The aquaculture activities proposed for this site will not result in an unreasonable impact from light at the boundaries of the lease site.
- i. The aquaculture activities proposed for this site will not result in an unreasonable impact from noise at the boundaries of the lease site.
- j. The aquaculture activities proposed for this site, as modified as discussed above to comply with Chapter 2.80 marking requirements and Chapter 2.37(1)(A)(10) gear color requirements, will comply with the visual impact criteria contained in DMR Regulation 2.37(1)(A)(10).

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

5. DECISION

Based on the foregoing, the Commissioner grants a lease to Albatross Fisheries, LLC for 4.38 acres for ten years for the cultivation of sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), and sea lettuce (*Ulva fenestrata*) using suspended culture techniques. The lessee shall pay the State of Maine rent in the amount of \$100.00 per acre per year. The lessee shall post a bond or establish an escrow account pursuant to DMR Rule 2.40 (2)(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 (7-B).¹⁴ Conditions are designed to encourage the greatest multiple compatible uses of the lease area, while preserving the exclusive rights of the lessee to the extent necessary to carry out the purposes of the lease. The following condition shall be imposed on this lease:

1. All gear including moorings, lines, buoys, and site markers must be removed from the water between May 31 and October 1 each year.

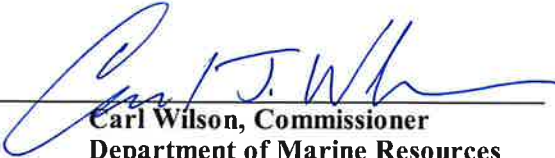
7. REVOCATION OF LEASE

The Commissioner may commence revocation procedures upon determining, pursuant to 12 M.R.S.A §6072 (11), that no substantial aquaculture has been conducted over the course of the lease, that the lease activities are substantially injurious to marine organisms or public health, or that any of the conditions of the lease or any applicable laws or regulations have been violated.

¹⁴ 12 MRSA §6072 (7-B) states: "The commissioner may establish conditions that govern the use of the leased area and limitations on the aquaculture activities. These conditions must encourage the greatest multiple, compatible uses of the leased area, but must also address the ability of the lease site and surrounding area to support ecologically significant flora and fauna and preserve the exclusive rights of the lessee to the extent necessary to carry out the lease purpose."

Dated: _____

5-12-25



Carl Wilson, Commissioner
Department of Marine Resources

**STATE OF MAINE
DEPARTMENT OF MARINE
RESOURCES**

**Albatross Fisheries LLC
STG DC2x**

Experimental Aquaculture Lease Application
Suspended Culture of marine algae
St. George, Maine

October 10, 2019

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Albatross Fisheries, LLC applied to the Department of Marine Resources (“DMR”) for a three-year experimental aquaculture lease located in Deep Cove, St. George River, St. George, Knox County. The proposed lease is 3.83¹ acres and is for the suspended cultivation of sugar kelp (*Saccharina latissima*), skinny kelp² (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), and laver (*Porphyra sp.*). DMR accepted the application as complete on April 19, 2019. No requests for a public hearing were received during the comment period, and no hearing was held.

1. THE PROCEEDINGS

Notice of the application and the 30-day public comment period were provided to state and federal agencies, riparian landowners, the Town of St. George and its Harbormaster, and others on DMR’s mailing list. Notice of the application and comment period was published in the May 9, 2019 edition of the *Courier Gazette*. The evidentiary record regarding this lease application includes the application, DMR’s site report dated August 21, 2019, and the case file. The evidence from each of these sources is summarized below.³

Two other applications for the suspended culture of marine algae in Deep Cove, St. George River, St. George, Knox County were deemed complete by DMR one day before and on the same day as the application from Albatross Fisheries, LLC.⁴ Figure 1 shows the location of each of these applications and identifies other existing aquaculture activity in the area.

¹ Applicant requested 4 acres. DMR calculations indicate the area is 3.83 acres

² In the application, skinny kelp was referred to as a morphotype of *Saccharina latissima* (*Saccharina latissima forma angustissima*). Skinny kelp is now considered a separate species (*Saccharina angustissima*) and will be referred to in this report as such.

³ These sources are cited, with page references, as CF (case file), App (Application), SR (site report).

⁴ Application by John Cotton received on April 1, 2019 and deemed complete by DMR on April 18, 2019. Application by Miss Madisyn received on April 1, 2019 and deemed complete by DMR on April 19, 2019.

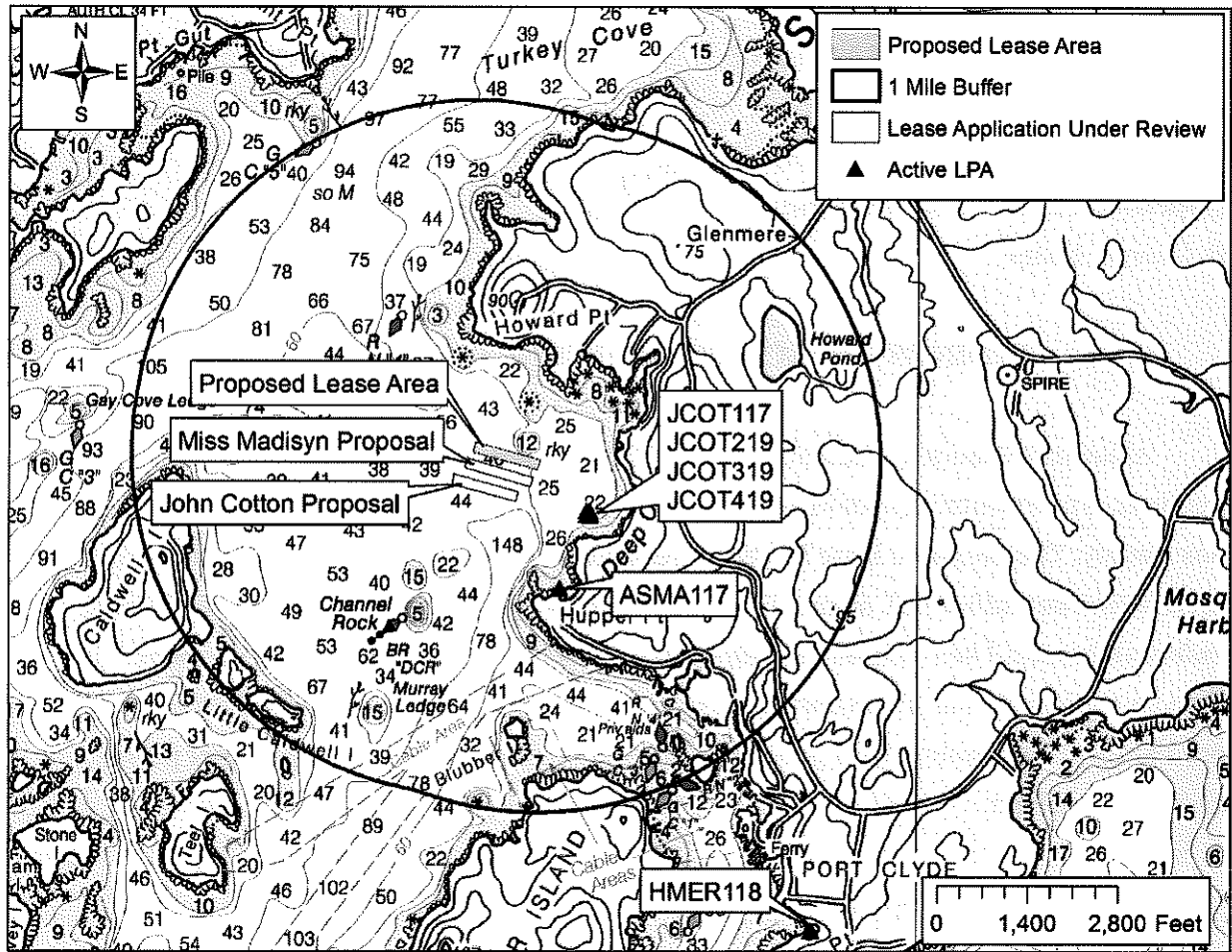


Figure 1: Current lease applications under review and existing aquaculture activity in Deep Cove.

2. DESCRIPTION OF THE PROJECT

A. Proposed Operations

The purpose of the proposed experimental lease site is to determine the viability of a commercial seaweed operation (App 4). The applicant is proposing to culture marine algae from October to June, annually, and intends to culture algae on 1,000-foot horizontal lines suspended 7 feet below the surface of the water. There will be 14 longlines in total, spaced 10 feet apart (App 15). Longlines, depth control lines and buoys, and concrete weights will be removed by mid-June, while 32 cement moorings and associated mooring lines and buoys are proposed to remain onsite through the year (App 11, SR 2). The applicant has proposed to have a significant amount of gear (moorings, and associated lines and buoys) remaining on site year-round so the impact of these activities could be felt all year, not just in the winter when growing occurs.

B. Site Characteristics

The proposed lease occupies subtidal waters in Deep Cove in the St. George River. Port Clyde Harbor is to the southeast (SR 2). The shoreline along Deep Cove is rocky and leads to steep uplands. Houses, docks, and moorings are present to the north, east and south of the proposed site. Caldwell and Little Caldwell Islands are to the southwest (SR 2). During DMR's site visit on August 1, 2019, depths at the corners of the proposed site ranged from 37.7 feet to 54.5 feet. When correcting for tidal variation, depths are approximately 0.3 feet higher at the nearest high water, and 9.3 feet lower at mean low water (SR 5).

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 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 water related 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 available source of organisms to be cultured on the lease site.

A. Riparian Access

During DMR's site visit, houses, docks and moorings were observed along the Deep Cove shoreline (SR 6). The closest observed mooring was approximately 1,080 feet to the southeast of the proposed site, and the closest observed dock was 1,275 feet to the southeast. During the review period, DMR did not receive any comments from riparian owners. The Harbormaster for the Town of St. George indicated that the proposed lease would not interfere with the ability of riparian owners to get to and from their properties.⁵ Based on the lack of public comments, and because the proposed site is located more than 1,000 feet from any dock or mooring, it is reasonable to conclude that there are no concerns regarding the effects the proposed lease may have on riparian ingress and egress. It appears from this evidence that riparian ingress and egress will not be unduly affected by the proposed application.

⁵ CF: Harbormaster Questionnaire signed May 14, 2019

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

B. Navigation

The proposed lease area is in navigable waters on the east side of the St. George River (SR 7). During their site visit on August 1, 2019, DMR scientists observed commercial and recreational vessels near the proposed lease; powerboats and sailboats were observed in the marked channel to the west (SR 7). The proposed lease is over 1,500 feet east of the river's marked navigation channel.

The proposed lease is in an area of the St. George River known as Deep Cove (SR 7). During the site visit, powerboats and kayaks were observed navigating within Deep Cove, and it is likely the area experiences some vessel through-traffic as Deep Cove is located between Port Clyde Harbor and the rest of the St. George River (SR 7). Longlines will be removed from the area during the summer months when vessel traffic is likely the heaviest, however, the applicant has proposed that 32 moorings and mooring balls will remain on the site year-round (App 11). Navigable waters remain between the proposed lease and nearby shorelines at mean low water, so it is likely boats will be able to continue to navigate through the area without impediment (SR 7). However, it is possible vessels will avoid the area due to the 32 mooring balls that are proposed to remain on site year-round (SR 7). While DMR considers applications in the order they were deemed complete, two other applications of a similar nature, also within Deep Cove, were received one day before, and on the same day as the application from Albatross Fisheries, LLC⁶. When considered together, it could result in more than 90 moorings remaining in the area year-round. Whether lobstermen, boaters, or others might avoid the area due to the presence of the moorings is unknown (SR 8). According to the application, kayaking occurs in the area during summer months (App 8). The Harbormaster questionnaire for this application, as well as the one for the application from Miss Madisyn, noted that the presence of over 90 moorings in the area could have minimal impact.⁷ If the proposed lease is granted, to ensure the lease does not interfere with navigation, DMR will require that all gear be removed from the water between June 15th and October 1st of each year. Conditions reflecting this requirement will be included in the lease.

Based on the evidence, and the condition described above, it appears that the proposed aquaculture activities will not unreasonably interfere with navigation.

⁶ Application by John Cotton received on April 1, 2019 and deemed complete by DMR on April 18, 2019.
Application by Miss Madisyn received on April 1, 2019 and deemed complete by DMR on April 19, 2019.
⁷ CF for application from Miss Madisyn: Harbormaster Questionnaire signed May 14, 2019

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

C. Fishing & Other Uses

Fishing. During DMR's site visit on August 1, 2019 heavy lobstering was observed to the west of the proposed lease site, and light to moderate fishing activity was observed within Deep Cove (SR 7). Lobster buoys were observed within the boundaries of the proposed lease site, but a higher density of buoys was observed closer to shore in Deep Cove, off Howard Point (SR 8). In the questionnaire provided to the Harbormaster for the Town of St. George, the Harbormaster indicated that seasonal lobstering occurs within the area of the lease, but that generally no lobstering will occur during the time of the growing season for the proposed lease activities.⁸ The applicant proposes to deploy longlines on the site from early October through mid-June, while 30 cement moorings and associated lines and buoys would remain on site year round (App 15). Whether lobstermen might avoid the area in the summer months due to the proposed moorings is unknown, however no comments were received regarding the impact the proposed lease may have on fishing.

During their site visit, DMR scientists spoke with a landowner on Howard Point who indicated that commercial menhaden (*Brevoortia tyrannus*) activity has been observed in the area of the proposed lease.⁹ Due to the presence of the year-round moorings, menhaden fishermen would likely avoid the area of the proposed lease (SR 8). The Harbormaster Questionnaire did not mention commercial fishing aside from lobstering. On their visit to the site, DMR scientist observed a small skiff recreationally fishing off Hupper Point (SR 8). The applicant indicated they have not observed recreational fishing at the proposed site (App 10), and the Harbormaster Questionnaire indicates there is no recreational fishing.¹⁰

As discussed in the navigation section of this document, should the lease be granted, DMR will require that all gear, including moorings and lines, must be removed from the water between June 15th and October 1st each year. As such, the proposed aquaculture activities should not interfere with any lobstering or other fishing that may occur in the area during the summer months.

No public comments were received regarding fishing. Given the absence of public comments expressing concern regarding interference with fishing, and the comments from the Harbormaster for the Town of St. George it is reasonable to conclude that there are no concerns

⁸ CF: Harbormaster Questionnaire signed May 14, 2019

⁹ Grinnell More, personal communication with DMR staff F. Drury and M. Nelson on August 1, 2019

¹⁰ CF: Harbormaster Questionnaire signed May 3, 2019

about the effects the proposed site may have on commercial or recreational fishing. It appears from the evidence that, with the condition described above, the proposed lease is unlikely to unreasonably affect commercial and recreational fishing activities in the area.

Exclusivity. Due to possible interactions with gear, dragging and other forms of commercial fishing are prohibited within the boundaries of the proposed lease site from October 1st through June 1st when longlines are present.

Other aquaculture uses. There are 5 Limited Purpose Aquaculture (LPA) licenses within one mile of the proposed lease (SR 8).¹¹ The closest aquaculture activities to the proposed site are 4 LPA licenses¹² held by John Cotton for the suspended culture of shellfish (SR 8). These LPA licenses are approximately 995 feet east of the proposed site.

DMR is considering two other pending aquaculture lease applications nearby Albatross Fisheries, LLC proposed lease site. Applicant John Cotton and applicant Miss Madisyn both submitted applications for the culture of marine algae on sites south of the proposed lease, parallel to the proposed operations of Albatross Fisheries, LLC.¹³ There is nothing in the record to indicate that the lease, if granted, would interfere with the other two proposed leases, if granted.

Other water-related uses. During the review period, DMR did not receive any comments detailing other water-related uses that are not already contemplated in other sections of this decision. Based on the absence of public comments, it is reasonable to conclude that there are no concerns regarding the effects the proposed lease may have on other water-related uses of the area.

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

D. Flora & Fauna

Historical eelgrass data collected by DMR indicated that, in 2005, the nearest eelgrass to the proposed lease was 1,140 feet north of the proposed site. The proposed aquaculture activities for this site are unlikely to shade or disrupt these eelgrass beds (SR 10).

Data maintained by the Maine Department of Inland Fisheries and Wildlife (MDIFW) indicated that the proposed lease is located approximately 1,130 feet to the south of Tidal Wading Bird and Waterfowl Habitat, which is defined under Maine's Natural Resource Protection Act as

¹¹ The site report incorrectly stated there are 3 LPA licenses within one mile of the proposed lease site. There are 5 LPA licenses within one mile.

¹² JCOT117, JCOT219, JCOT319, JCOT419

¹³ The applications by John Cotton and Miss Madisyn were originally received on April 1, 2019. John Cotton's application was deemed complete by DMR on April 18, 2019 and Miss Madisyn's application was deemed complete by DMR on April 19, 2019.

Significant Wildlife Habitat (SR 9). The proposed lease is 3,810 feet northeast of a ¼ mile buffer associated with a bald eagle (*Haliaeetus leucocephalus*) nest (SR 9). DMR sent a copy of the application to MDIFW for their review and comment. MDIFW indicated that “minimal impacts to wildlife are anticipated.”¹⁴

Based on the evidence that the proposed lease does not interact with historical eelgrass beds or mapped wildlife habitat, and because DMR’s site report does not contain concerns regarding the impact of the proposed lease on the surrounding ecosystem, it appears that the proposed aquaculture activities for this lease site will not interfere with the ecological function of there are.

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

E. Public Use & Enjoyment

Per the site report, “there are no beaches, parks, or docking facilities owned by federal, state, or municipal government within 1,000 feet of the proposed lease site” (SR 11).

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

The applicant intends to source sugar kelp, skinny kelp, winged kelp, horsetail kelp, dulse, Irish moss, and laver from Atlantic Sea Farms.¹⁵ This source is approved by DMR.

Therefore, the applicant has demonstrated that there is available source of stock to be cultured for the lease site.

4. CONCLUSIONS OF LAW

Based on the above findings, I conclude that:

1. The aquaculture activities proposed for this site will not unreasonably interfere with the ingress and egress of any riparian owner.
2. Given the conditions related to gear deployment, the aquaculture activities proposed for this site will not unreasonably interfere with navigation.

¹⁴ CF: Email from R. Settele to C. Burke on June 4, 2019

¹⁵ When the applicant applied, Atlantic Sea Farms was known as Ocean Approved. Ocean Approved has since changed their name to Atlantic Sea Farms.

3. Given the conditions related to gear deployment, the aquaculture activities proposed for this site will not unreasonably interfere with fishing or other uses of the area, taking into consideration the number and density of aquaculture leases in 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 is an available source of stock to be cultured for the lease site.

Accordingly, the evidence in the record supports the conclusion that the proposed aquaculture activities 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 3.83 acres to Albatross Fisheries, LLC, 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 lessee¹⁶; however, no aquaculture rights shall accrue in the lease area until the lease is fully executed.

This lease is granted to the lessee for the cultivation of sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), and laver (*Porphyra sp.*) using suspended culture techniques. The lessee shall pay the State of Maine rent in the amount of \$100.00 per acre per year. Since this is an experimental lease with more than 400 sq. ft. 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 2.64 (10) (s) 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.

¹⁶ 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.”

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 MSRA §6072-A (15)¹⁷. 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 purpose of the lease.

The following conditions shall be incorporated into the lease:

1. The lease site must be marked in accordance with both U.S. Coast Guard requirements and DMR Rule 2.80.
2. All gear, including moorings and lines and buoys, must be removed from the water between June 15th and October 1st each year.
3. Due to possible interactions with gear, dragging, and other forms of commercial fishing are prohibited within the boundaries of the proposed lease site from October 1st through June 1st when longlines are present on the site.

7. REVOCATION OF EXPERIMENTAL LEASE

The Commissioner may commence revocation procedures upon determining pursuant to 12 MRSA §6072-A (22) and DMR Rule Chapter 2.64 (13) that no substantial research has been conducted on the site within the preceding year, that research has been conducted in a manner injurious to the environment or to marine organisms, or that any conditions of the lease or any applicable laws or regulations have been violated.

Dated: _____

10/10/19



Patrick C. Keliher, Commissioner
Department of Marine Resources

¹⁷ 12 MRSA §6072-A (15) provides that:

“The commissioner may establish conditions that govern the use of the leased area and limitations on the aquaculture activities. These conditions must encourage the greatest multiple, compatible uses of the leased area, but must also address the ability of the lease site and surrounding area to support ecologically significant flora and fauna and preserve the exclusive rights of the lessee to the extent necessary to carry out the lease purpose. The commissioner may grant the lease on a conditional basis until the lessee has acquired all the necessary federal, state and local permits.”

