

STATE OF MAINE

DEPARTMENT OF MARINE RESOURCES

Standard Aquaculture Lease Renewal

Suspended and Bottom Culture of Shellfish

Damariscotta River, Damariscotta, Lincoln County

Dodge Cove Marine

Farm, LLC

DAM HI

Findings of Fact, Conclusions of Law, and Decision

Dodge Cove Marine Farm, LLC applied to the Department of Marine Resources (DMR) to renew the aquaculture lease DAM HI for a period of 20 years. The 2.01-acre¹ lease is located in the Damariscotta River, Town of Damariscotta, Lincoln County and is for the suspended and bottom culture of American oysters (*Crassostrea virginica*), European oysters (*Ostrea edulis*), surf/hen clams (*Spisula solidissima*) and bay scallops (*Argopecten irradians*).

This lease was originally granted on December 29, 2004, to Dodge Cove Marine Farm Inc., for a period of 10 years. A lease transfer was granted on March 25, 2008, allowing the transfer of DAM HI from Dodge Cove Marine Farm Inc. to Dodge Cove Marine Farm, LLC. A renewal of DAM HI was granted on January 12, 2015, for a period of 10 years.

1. Proceedings

DMR deemed the renewal application complete on December 23, 2024. Notice of the 30-day public comment period and opportunity to request a public hearing was published in the *Lincoln County News* on January 30, 2025. Notice was also provided to the Town of Damariscotta, riparian landowners within 1,000 feet of the site, and other state agencies, and sent to subscribers of DMR's aquaculture email list-serve. The record closed on March 1, 2025. During the comment period, one comment was received from the Deputy Harbormaster for the town of Damariscotta, and one comment was received from the Maine Department of Inland Fisheries & Wildlife (IFW).

In accordance with the version of 12 M.R.S.A. § 6072(12) that was in effect when the application was deemed complete, a public hearing on a lease renewal was at DMR's discretion unless ten or more

¹ After the original lease was granted, an update in ArcPro GIS software resulted in a new calculation of acreage for the site providing a measurement of 2.01 acres instead of the 2.00 acres indicated in the original decision.

requests for a public hearing were received during the comment period.² DMR did not receive any requests for a public hearing. DMR elected not to hold a public hearing on the renewal request.

2. Statutory Criteria

Aquaculture lease renewals are governed by 12 M.R.S.A. § 6072(12) and by DMR's rules in Chapter 2.45,³ which provide that an aquaculture lease shall be renewed if: the Commissioner receives a timely application for renewal that includes information on the type and amount of aquaculture to be conducted during the new lease term; the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 1,000 acres; and the lease is not being held for speculative purposes.

A. Timeliness and Contents of Renewal Application

The Commissioner must consider whether a renewal application was timely submitted. 12 M.R.S. § 6072(12)(A). At the time that this lessee submitted the renewal application, 12 M.R.S. § 6072(12)(A) required that a renewal application be submitted at least 30 days before the lease expiration date. After the enactment of P.L. 2025, ch. 389 (emergency, effective June 20, 2025), the last date on which renewal applications may be submitted was extended to 30 days after the lease expiration date. P.L. 2025, ch. 389, § 1. This statutory amendment applied to all renewal applications pending with the Department on the effective date of June 20, 2025, and all renewal applications submitted following the effective date. This renewal application was pending with the Department on June 20, 2025.

This renewal application was timely submitted under the law both as it was in effect when the application was deemed complete and after the enactment of P.L. 2025, ch. 389. DAM HI was set to expire on December 28, 2024. DMR received the application for renewal of DAM HI on November 21, 2024, 37 days before the expiration date. The renewal application was incomplete and requests for more information were made by DMR. The application was deemed complete on December 23, 2024.

DMR applies the date the renewal application was initially received, not the date it was deemed complete, for purposes of timeliness under 12 M.R.S.A. § 6072(12)(A). The renewal application was

² On June 20, 2025, LD 1722 was signed into law as emergency legislation, P.L. 2025, ch. 389 (emergency, effective June 20, 2025), which modified 12 M.R.S.A. § 6072(12), so that lease renewals are no longer adjudicatory proceedings (i.e. public hearings are no longer held on renewal applications). Notice of this renewal application was processed prior to P.L. 2025, ch. 389 taking effect.

³ 13-188 C.M.R. ch. 2, § 2.45.

received 37 days before the expiration of the lease, which satisfies the statute both in its current form and in the version that was in effect when the application was submitted.

The application must include information on the type and amount of aquaculture to be conducted during the new lease term. 12 M.R.S.A. § 6072(12)(A). The applicant utilized the lease renewal application form provided by DMR. This form includes sections to collect the necessary information on the type and amount of aquaculture to be conducted during the new lease term. The application was reviewed by DMR and determined to include all necessary information and was deemed complete on December 23, 2024.

Therefore, DMR finds that the renewal application was submitted timely, and that the application includes information on the type and amount of aquaculture to be conducted during the new lease term.

B. Compliance with Lease Agreement

When issuing a decision for a lease renewal the Commissioner must consider whether the lessee has complied with the lease agreement during the term of the lease and shall consider the compliance record of the leaseholder. 12 M.R.S.A. § 6072(12)(B).

Violations of lease agreement.

According to DMR's records, there are no documented violations of the lease agreement over the prior term.

Source of organisms to be cultured.

The renewal decision for DAM HI dated January 12, 2015, includes approval for American oysters (*Crassostrea virginica*), European oysters (*Ostrea edulis*), surf/hen clams (*Spisula solidissima*) and bay scallops (*Argopecten irradians*). There are currently approved sources for American oysters, surf/hen clams and bay scallops. Chapter 24.10(4)(F) identifies all coastal Maine waters as a restricted area for European oysters. Shellfish from restricted areas are presumed to carry infectious disease, pests or parasites unless an applicant produces sufficient evidence to rebut this assumption including demonstration that the shellfish to be imported, introduced, or possessed have been raised in a closed-system hatchery free of the infectious or contagious diseases found in the coastal waters of the restricted area. There are currently no approved hatcheries for European oysters and based on the record, the lease holders have not submitted sufficient evidence to support the possession of European oysters. Therefore, European oysters are removed as an authorized species for DAM HI. If the lease holders wish to cultivate European oysters in the future, they would need to apply for a species amendment demonstrating that they have an available source of stock.

Lease conditions.

The following condition was part of the lease renewal decision dated January 12, 2015:

1. The lease area must be marked in accordance with the U.S. Coast Guard requirements and Department of Marine Resources Chapter 2.80.

According to DMR's records, the lease was marked according to Chapter 2.80 requirements.

Therefore, DMR finds that the applicant has complied with the lease agreement during its term.

C. Best Interest of the State of Maine

When issuing a decision on a lease renewal the Commissioner must determine whether renewal of the lease is in the best interest of the State. 12 M.R.S.A. § 6072(12)(C). In determining whether it is in the best interest of the State to renew the lease, DMR takes into consideration, among other things, the potential for conflict with new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of public interest. Chapter 2.45(2)(B).

On February 5, 2025, DMR received a comment from IFW stating that minimal impacts to wildlife are anticipated.⁴ On February 11, 2025, DMR received a Municipal Questionnaire filled out by the Deputy Harbormaster stating that the lease renewal of DAM HI poses minimal impact. DMR did not receive any other comments specific to this renewal criterion. Based on the record, renewal of the lease would not result in conflicts with new or existing uses of the area.

Therefore, DMR finds that it is in the best interests of the State of Maine to renew this lease.

D. Aggregate Lease Holdings

The Commissioner may not issue a lease renewal if the renewal will cause the lessee to become a tenant of any kind in leases covering an aggregate of more than 1,000 acres. 12 M.R.S.A. § 6072(12)(D), (13-A)(B); Chapter 2.45(3).

According to DMR records, Dodge Cove Marine Farm, LLC holds the following leases:

Lease Acronym	Acreage
DAM DPT	12.43
DAM FTx	1.36
NMR NML	0.39
DAM HI2	6.95

⁴ Email from C. Wentworth (IFW) to DMR Aquaculture dated February 5, 2025.

DAM HI	2.01
DAM HI5	3.55

The total acreage leased by Dodge Cove Marine Farm, LLC, if this renewal is approved would be 26.69 acres.

Therefore, DMR finds that the renewal of this lease will not cause Dodge Cove Marine Farm, LLC to lease more than 1,000 acres.

E. Speculative Purposes

The Commissioner may not issue a lease renewal if the lease is being held for speculative purposes. 12 M.R.S.A. § 6072(12)(E). In determining whether the lease is being held for speculative purposes, the Commissioner must consider whether the lessee has conducted substantially no research or aquaculture in the lease areas during the previous lease term. Chapter 2.45(2)(A).

The renewal application states that the lease site is primarily a nursery site and juvenile oysters were cultivated annually from May through November. The lease site is also occasionally used for bottom planting and harvest of oysters. The lease site was used throughout the course of the prior term.⁵ Based on the record, the lessee has conducted aquaculture activities in the lease area during the previous term.

Therefore, DMR finds that the lease is not being held for speculative purposes.

3. Conclusions of Law

Based on the above findings, DMR concludes that:

- A. The Commissioner received the application for renewal more than 30 days prior to the expiration of the lease, and the application includes information on the type and amount of aquaculture to be conducted during the new lease term.
- B. The lessee has complied with the lease agreement during the term of the lease.
- C. The renewal of the lease is in the best interest of the State.
- D. The renewal of the lease will not cause the lessee to become a tenant of any kind in leases covering an aggregate of more than 1,000 acres.
- E. The lease is not being held for speculative purposes.

⁵ Pages 1 and 2 of the final lease renewal application.

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

4. Lease Conditions

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). 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 was part of the lease renewal decision dated January 12, 2015:

1. The lease area must be marked in accordance with the U.S. Coast Guard requirements and Department of Marine Resources Chapter 2.80.

Condition 1 is an existing regulatory requirement, so it is removed.

5. Decision

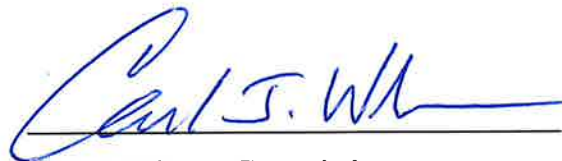
The Commissioner grants the application of Dodge Cove Marine Farm, LLC to renew their aquaculture lease DAM HI for a period of 20 years. The renewed lease is subject to the same terms, conditions, and obligations as set forth in the original lease, except as modified by this decision.

6. 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 within the preceding year, 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.

Dated: _____

9.14.2026



Carl J. Wilson, Commissioner,
Department of Marine Resources

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
Aquaculture Lease Renewal Application
Suspended and bottom culture of shellfish,
Damariscotta River, Damariscotta

Dodge Cove Marine Farm, LLC
DAM HI
Docket Number 2014-23-R
January 12, 2015

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

Dodge Cove Marine Farm, LLC, applied to the Department of Marine Resources on September 15, 2014 to renew the aquaculture lease, DAM HI, for a period of ten years to December 28, 2024. The 2 acre lease is issued for suspended and bottom culture of American/eastern oysters (*Crassostrea virginica*), European oysters (*Ostrea edulis*), surf/hen clams (*Spisula solidissima*) and bay scallops (*Argopecten irradians*), located in the Damariscotta River, Lincoln County, Maine. This lease was initially issued on December 29, 2004. A lease transfer was granted on March 25, 2008, allowing the 2 acre lease to be transferred from Dodge Cove Marine Farm, Inc. to Dodge Cove Marine Farm, LLC.

1. PROCEDURE

Notice of the application for lease renewal and the 30-day public comment period and opportunity to request a public hearing was published in the *Lincoln County News* on October 30, 2014 and again on November 20, 2014. Notice was also published in the December 2014 *Commercial Fisheries News*. Personal notice was given to the municipality and to riparian landowners within 1,000 feet of the lease site. No comments and no requests for a hearing on this application were received by the Department during the comment period.

2. STATUTORY CRITERIA

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and by Chapter 2.45 of the Department's rules, which provide that an aquaculture lease shall be renewed if: the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 1,000 acres; and the lease is not being held for speculative purposes.

A. Compliance with lease

The review of the records of this lease discloses that all annual reports have been filed, the rent is paid to date, the bond is current, and the site has passed inspection by DMR Marine Patrol. There are no outstanding complaints regarding this lease.

Therefore, I find that the applicant has complied with the lease agreement during its term.

B. Best interest of the State of Maine

In determining whether it is in the best interest of state to renew the lease, the Department takes into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest. There is no evidence of conflicts with other new or existing uses of the area.

Therefore, I find that it is in the best interests of the State of Maine to renew this lease.

C. Aggregate lease holdings

According to DMR records, the total lease acreage held by lessee, including DAM HI consisting of 2 acres, will not exceed 1,000 acres.

Therefore, I find that the renewal of this lease will not cause the applicant to lease more than 1,000 acres.

D. Speculative purposes

Rule 2.60 provides that in considering whether a lease is held for speculative purposes, the Department must consider “whether the current lessee has conducted substantially no research or aquaculture in the lease areas during the previous lease term.” It is clear from annual reports filed with DMR by the lessee and by the statement of the lessee on the renewal application that aquaculture has been conducted on this lease site.

Therefore, I find that the lease is not being held for speculative purposes.

3. LEASE CONDITIONS

The following condition is carried over from the original lease and will apply to the renewed lease:

- The lease area must be marked in accordance with the U.S. Coast Guard requirements and Department of Marine Resources Chapter 2.80.

4. DECISION

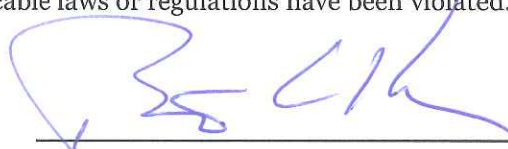
The Commissioner of Marine Resources grants the application of Dodge Cove Marine Farm LLC, to renew its aquaculture lease, DAM HI, for a period of ten years to December 28, 2024. The renewed lease is subject to the same terms, conditions, and obligations as set forth in the original lease, except as modified by this decision.

5. REVOCATION OF LEASE

The Commissioner may commence revocation procedures upon determining pursuant to 12 MRSA §6072 (11) and DMR Rule Chapter 2.42 that no substantial aquaculture has been conducted within the preceding year, that the lease activities are substantially injurious to marine organisms, or that any of the conditions of the lease or any applicable laws or regulations have been violated.

Dated: _____

1/12/15



Patrick C. Keliher, Commissioner
Department of Marine Resources