

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

DEVIL'S APRON SEA FARMS

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

STG CI3x

Findings of Fact, Conclusions of Law, and Decision

Devil's Apron Sea Farms applied to the Department of Marine Resources (DMR) for a three-year experimental aquaculture lease on 3.90 acres located east of Caldwell Island, St. George River, St. George, Knox County. The proposal is for the suspended culture of sugar kelp (*Saccharina latissima*) and skinny kelp (*Saccharina angustissima*). The proposal is for commercial research and development.

1. Proceedings

DMR accepted the final application as complete on March 4, 2024. Notice of the completed application and the 30-day public comment period was provided to state agencies, the Town of St. George, and subscribers to DMR's aquaculture email listserv¹. On March 21, 2024, DMR sent a Harbormaster Questionnaire to the Harbormaster for the Town of St. George, requesting information about designated or traditional storm anchorages, navigation, riparian ingress and egress, fishing or other uses of the area, among other considerations and received a response from the Harbormaster on April 2, 2024². Notice of the complete application and comment period was published in the *Courier-Gazette* on March 21, 2024. Title 12 M.R.S.A. §6072-A(6) provides that the Commissioner shall hold a public hearing if five or more persons³ request a public hearing within the 30-day comment period. The comment deadline ended on April 20, 2024. No requests for a public hearing were received during the comment period, and no hearing was conducted. The evidentiary record regarding this lease application includes the application, DMR's site report dated June 4, 2025, and the case file. The evidence from each of these sources is summarized below.

A. List of Exhibits

1. Case file (CF)

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

² During review of the case file, it was determined that only one page of the two-page Harbormaster questionnaire had been returned to DMR for this application and the other page was returned for a second pending Devil's Apron application. On September 24, 2025, DMR contacted the Harbormaster. In his response, he stated that he thought he did one questionnaire meant to apply to two applications submitted by Devil's Apron. Therefore, the comments included in the two pages submitted in April 2024 have been applied to both applications.

³ Title 12 M.R.S.A. §6072-A (6) now requires 10 or more hearing requests to be received for the Commissioner to hold a hearing, however, at the time of this comment period, the requirement was five or more.

2. Application (App)
3. DMR site report, issued on June 4, 2025 (SR)

The case file, application and site report are referred to in the decision with their designated abbreviations.

2. Description of the Project

A. Site History

Based on DMR records, no prior aquaculture activities have occurred in the area of this proposed lease site.

B. Proposed Operations

The purpose of the proposed experimental lease site is to determine the viability of culturing marine algae at this location (App 5). The applicant is proposing to culture sugar kelp and skinny kelp using twenty-three 300-foot longlines. The applicant also proposes to use weights, moorings with lines and chains, and buoys (App 17). The depth control buoys, weights, and long lines would be removed from June 1 through October 14. Mooring blocks, mooring lines, mooring balls, and required lease corner markers would remain on site year-round (App 6). Seeding would occur in the fall and harvesting in the spring. The site would be tended in the fall, winter, and spring (App 5).

No power equipment is proposed to be used at this lease site.

The applicant proposes to use a lobster boat with pot hauler and a skiff at the lease site during seeding, tending, and harvesting (App 7).

C. Site Characteristics

Description. On August 27, 2024, and September 4, 2024⁴, DMR scientists assessed the proposed lease site. Caldwell Island consists of a rocky ledge coastline with sparse evergreen uplands. There was a seasonal cottage observed on the northern shore of Little Caldwell Island.

Water depths at the corners of the proposal at mean low water (MLW, 0.0 feet) are calculated to be from 32.0 to 41.5 feet. DMR scientists observed the bottom characteristics of the proposed lease site via a remotely operated vehicle (ROV). The bottom of the proposed lease site is composed of mud.

⁴ Two site visits were conducted instead of the usual one visit because of mechanical issues with DMR's science vessel.

Growing Area Classification. Growing Area Classifications are pertinent to bivalve shellfish species cultured and harvested for human consumption. The proposal does not include the cultivation or harvest of any bivalve shellfish species, so Growing Area Classifications do not apply. However, if the lease is granted, and bivalve shellfish were proposed to be added within the boundaries of the site, it would be the responsibility of the leaseholder to comply with any harvest requirements applicable to the respective Growing Area.

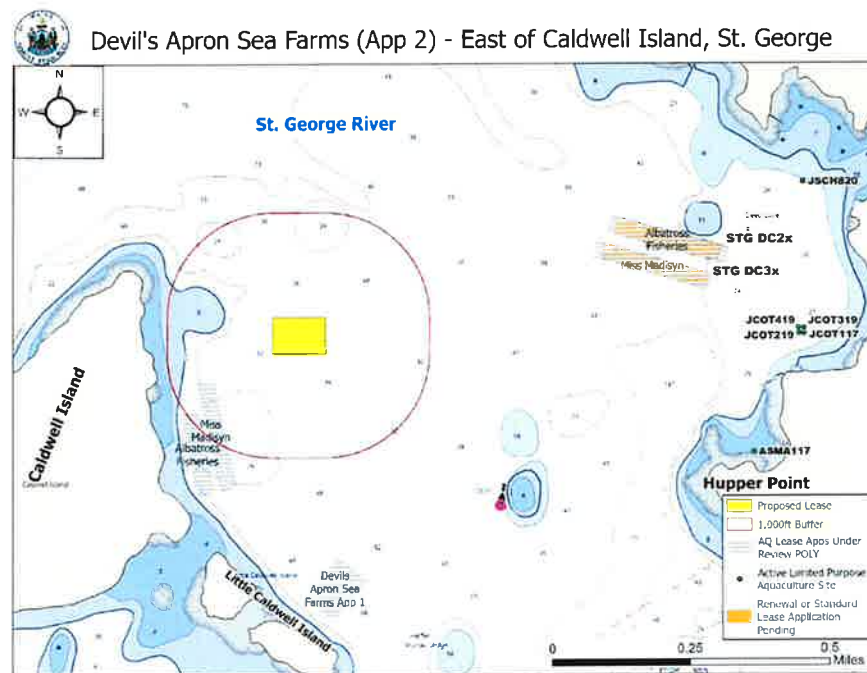


Figure 1. Proposed lease site and surrounding area.

3. Legal Criteria and Findings of Fact

Approval of experimental aquaculture leases is governed by 12 M.R.S.A. §6072-A and DMR Regulations⁵. The statute and regulations provide that a lease for commercial aquaculture research and development or for scientific research 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; other aquaculture uses in the area; the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna; and public use or enjoyment within 1,000 feet of beaches, parks, or docking facilities owned by municipal, state, or federal governments. The Commissioner must also determine that the applicant has demonstrated that there is an available source of organisms to be cultured for the lease site.

⁵ 13-188 C.M.R. ch. 2.

A. Riparian Owners Ingress and Egress

When examining riparian access, the Commissioner considers whether the proposed lease will unreasonably interfere with the ingress and egress of riparian owners. 12 M.R.S.A. § 6072-A(13)(A). The Commissioner shall examine whether the riparian owners can safely navigate to their shore and consider the type of shore, the type of vessel that can reasonably land on that shore and the types of structures proposed for the lease and their potential impact on the vessels which would need to maneuver around those structures. Chapter 2.37(1)(A)(1).

Caldwell Island is approximately 1,120 feet west of the proposal at MLW. Caldwell Island has one residential building and a pier with an attached float. The float is approximately 1,025 feet southwest of the proposal. During the site visit on August 27, 2024, DMR scientists observed a 22-foot powerboat tied to the float. DMR observed three unoccupied moorings in the vicinity of the proposal. They were located approximately 910, 975, and 1,068 feet southwest of the proposal (Figure 2). During the site visit, DMR scientists observed a seasonal cottage on the northern shore of Little Caldwell Island, approximately 2,836 feet south of the proposal as determined by aerial imagery.⁶

A Harbormaster Questionnaire was received by DMR on April 4, 2024. The Harbormaster did not indicate there would be an impact on riparian ingress and egress (SR 4-5).

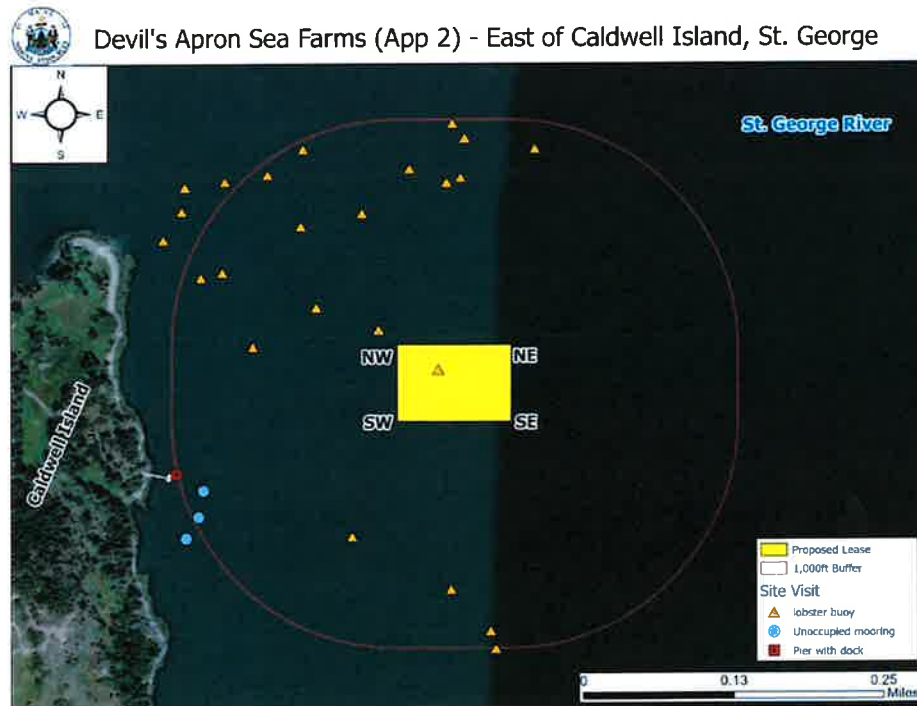


Figure 2. Proposed lease area with site visit observations.

⁶ ArcGIS Map Service “World Imagery Firefly”

Given the distance from the proposed lease to any riparian structures, the proposed lease activities will not impede access.

Therefore, the aquaculture activities as proposed will not unreasonably interfere with riparian owner ingress and egress.

B. Navigation

When examining navigation, the Commissioner considers whether the proposed lease will interfere with navigation. 12 M.R.S.A. § 6072-A(13)(B). The Commissioner shall examine whether any lease activities requiring surface and or subsurface structures would interfere with commercial or recreational navigation around the lease area and consider the current uses of the navigational channels in the area. Chapter 2.37(1)(A)(2).

The proposal is located approximately 1,120 feet east of Caldwell Island at MLW. The proposal is in the vicinity of the eastern channel entrance to the St. George River. When approaching from the north, the navigational channel splits and continues on both the eastern and western sides of Caldwell Island. On the eastern side of Caldwell Island, there is approximately 2,221 feet of navigable water between the proposal and buoy “DCR” (Figure 3). During DMR’s site visit on August 27, 2024, a sailboat was observed under power north of Caldwell Island, and two lobster boats were transiting south of Little Caldwell Island.

In the Harbormaster Questionnaire, the Harbormaster did not indicate there would be an impact on navigation in the area (SR 5).



Devil's Apron Sea Farms (App 2) - East of Caldwell Island, St. George

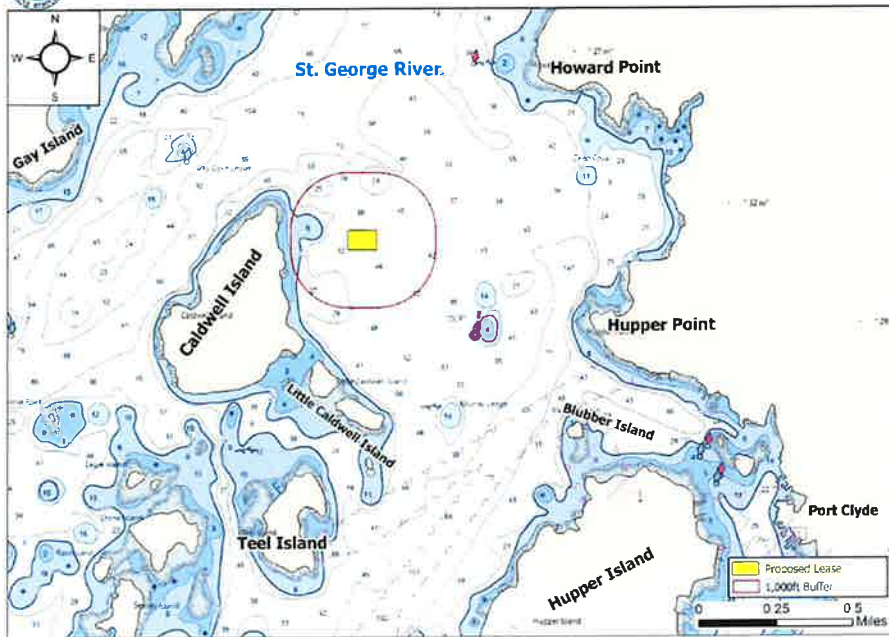


Figure 3. Navigational channels in the vicinity of the proposed lease area.

Given the water depths and extensive open water to the east of the proposed lease site, and the seasonal nature of the gear deployment, the proposed lease will not unreasonably interfere with navigation.

Therefore, the aquaculture activities as proposed will not unreasonably interfere with navigation.

C. Fishing and Other Uses

When examining fishing and other uses, the Commissioner considers whether the proposed lease activities will unreasonably interfere with fishing or other uses of the area. 12 M.R.S.A. § 6072-A(13)(C). The Commissioner shall examine whether the lease activities would unreasonably interfere with commercial or recreational fishing or other water-related uses of the area. Chapter 2.37(1)(A)(3).

Fishing. During the site visit on August 27, 2024, DMR documented 24 lobster buoys in the vicinity of the proposal with one buoy located within the proposal boundaries (Figure 2). DMR scientists observed two lobster vessels actively tending traps to the south of Little Caldwell Island.

A Harbormaster Questionnaire was received by DMR on April 4, 2024. The local Harbormaster stated that commercial and recreational fishing is light from October through May. The Harbormaster recommended that all gear, except required corner marker buoys, be sunk when the site is not actively being used.

A local Marine Patrol officer stated the area in the vicinity of the proposal is heavily used to harvest Menhaden (*Brevoortia tyrannus*) in the summer months as early as June. Lobster fishing occurs in the area throughout the year, including some winter fishing, with most lobster gear present from June through November (SR 6).

Menhaden fishing occurs during a typically brief season (~11 weeks in duration) that opens in early to mid-June. Once a quota established by the State is reached, the fishery closes. Therefore, potential gear conflicts with aquaculture can be detrimental to menhaden fisherman. The applicant proposes to remove the depth control buoys, weights, and long lines from June 1 through October 14. Mooring blocks, mooring lines, mooring balls, and required lease corner markers would remain on site year-round according to the application. To ensure this area is cleared of gear and open for menhaden fishing, if granted, DMR will establish a condition, pursuant to 12 M.R.S.A § 6072(7-B), that mandates the removal of all gear between June 1 to October 14 each year, including site markers and moorings.

While there is documented lobster fishing in the area, all but one buoy was observed by DMR during the August 27, 2024, site visit outside the proposed lease boundaries, largely to the northwest of the proposed lease. Additionally, a Marine Patrol Officer stated that most lobster gear is present from June through November. Therefore, the proposed lease activities will not unreasonably interfere with lobster fishing.

Other Uses. According to the application, minimal kayaking occurs in the area. Given the type of gear proposed and the timing of the gear deployment, the lease as proposed would not interfere with this activity.

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

D. Other Aquaculture Uses

Pursuant to 12 M.R.S.A. § 6072-A(13)(C), in evaluating the proposed lease, the commissioner shall take into consideration the number and density of aquaculture leases in an area. The Commissioner shall consider any evidence submitted concerning other aquaculture uses of the area, the intensity and frequency of such uses, the degree of exclusivity required for each use as well as the number, size, location, and type of other aquaculture leases. Chapter 2.37(1)(A)(4).

There are no licensed aquaculture leases or limited purpose aquaculture (LPA) sites within 1,000 feet of the proposal. There are two applications under review by DMR within 1,000 feet of the proposal. Miss Madisyn is an experimental application approximately 620 feet southwest of this proposal. The application was deemed complete prior to this proposal. Albatross Fisheries is an experimental

application approximately 912 feet southwest of this proposal. The application was deemed complete prior to this proposal (Figure 1)(SR 6).

These two applications propose to culture marine algae with similar gear and deployment dates. Given the locations and type of aquaculture proposed, this proposal would not interfere with the other proposed aquaculture in the area.

Therefore, the aquaculture activities as proposed will not unreasonably interfere with other aquaculture uses in the area.

E. Existing System Support

When examining existing system support, the Commissioner considers whether the proposed lease activities will unreasonably interfere with significant wildlife and marine habitat or with the ability of the lease site and surrounding marine and upland areas to support existing ecologically significant flora and fauna. 12 M.R.S.A. § 6072-A(13)(D). Such factors as the degree to which physical displacement of rooted or attached marine vegetation occurs, the amount of alteration of current flow, increased rates of sedimentation or sediment resuspension, and disruption of finfish migration shall be considered by the Commissioner in this determination. Chapter 2.37(1)(A)(5).

Site Observations. On September 4, 2024, DMR scientists utilized a ROV to assess the epibenthic ecology of the proposed lease. The relative abundance of epibenthic flora and fauna observed in the video footage is described below in Table 1.

Table 1. Species observed on underwater video footage.

Species Observed	Abundance
Mysid shrimp (<i>Mysid sp.</i>)	Abundant
Sand shrimp (<i>Crangon septemspinosa</i>)	Occasional

Marine Vegetation. Records of eelgrass collected by the Maine Department of Environmental Protection (MDEP) in 2023⁷ indicate mapped eelgrass presence in the vicinity of the proposal. The nearest mapped eelgrass is approximately 980 feet southwest of the proposal. Eelgrass blades were observed drifting on the surface of the water in the vicinity of the proposal. No eelgrass was observed on underwater video footage within the proposal boundaries during DMR’s site visit on September 4, 2024 (SR 8).

⁷ 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.

Wildlife. During DMR's August 27, 2024, site visit, scientists observed osprey (*Pandion haliaetus*), bald eagles (*Haliaeetus leucocephalus*), common loon (*Gavia immer*), common tern (*Sterna hirundo*), and herring gulls (*Larus argentatus*) in the general vicinity of the proposal.

According to Geographic Information System (GIS) data maintained by the Maine Department of Inland Fisheries and Wildlife (IFW) and available through the Maine Office of GIS (MEGIS), there is one mapped habitat type within 1,000 feet of the lease proposal. The proposal is near Tidal Waterfowl and Wading Bird Habitat (TWWH), which is a type of Significant Wildlife Habitat designated and regulated by IFW.⁸ Based on data maintained by IFW, the nearest mapped TWWH is located approximately 990 feet west of the proposal.

Though bald eagles are no longer listed on Maine's Endangered and Threatened Species List, the United States Fish and Wildlife Service (USFWS) may have jurisdiction over the management and conservation of the species based on applicable law and rule. Data collected by USFWS in 2023 by aerial nest survey shows the nearest mapped bald eagle nesting site to be approximately 1,735 feet southwest of the proposal.

IFW was provided with the opportunity to comment on this proposal. On April 10, 2024, a Resource Biologist with IFW responded by email to a "Request for Agency Review and Comment" stating that minimal impacts to wildlife are anticipated for this project (SR 9).⁹

Given the absence of mapped significant wildlife habitat in the project footprint, IFW's comment, and the absence of eelgrass, the proposed activities will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.

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

F. Source of Organisms to be Cultured

Pursuant to 12 M.R.S.A. § 6072-A(13)(E), in evaluating the proposed lease, the commissioner shall determine that the applicant has demonstrated there is an available source of organisms to be cultured for the lease site. The Commissioner shall include but not be limited to, consideration of the source's biosecurity, sanitation, and applicable fish health practices. Chapter 2.37(1)(A)(6).

The applicant proposes to source sugar kelp (*Saccharina latissima*) and skinny kelp (*Saccharina angustissima*) from Summit Point LLC, which was a source for these species at the time the application

⁸ <https://www.maine.gov/ifw/programs-resources/environmental-review/significant.html>

⁹ Email correspondence between IFW and DMR

was submitted, but is no longer an approved source. However, there are facilities currently approved by DMR for these species. If the lease is granted, a condition will be added requiring the applicant to obtain all stock from a DMR approved source.

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

G. Interference with Public Facilities

When examining interference with public facilities, the Commissioner considers whether the proposed lease will unreasonably interfere with public use or enjoyment within 1,000 feet of a beach, park, or docking facility owned by the Federal Government, the State Government or a municipal governmental agency. 12 M.R.S.A. § 6072-A(13)(F). Chapter 2.37(1)(A)(7) and 2.64(11)(A)).

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

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

4. Conclusions of Law

Based on the above findings, DMR concludes that:

- a. The aquaculture activities proposed for this site will not unreasonably interfere with the ingress and egress of riparian owners.
- b. The aquaculture activities proposed for this site will not unreasonably interfere with navigation.
- c. As conditioned, the aquaculture activities proposed for this site will not unreasonably interfere with fishing uses of the area, including water-related uses of the area.
- 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, or docking facilities owned by federal, state, or municipal government.
- g. As conditioned, 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 an experimental lease to Devil's Apron Sea Farms, for 3.90 acres for three years, the term of the lease to begin within 12 months of the date of this decision, on a date chosen by the lessee; however, no aquaculture rights shall accrue in the lease area until the lease is fully executed. The granted lease coordinates are contained in the Appendix to this decision.

This lease is granted to the lessee for the cultivation of sugar kelp (*Saccharina latissima*) and skinny kelp (*Saccharina angustissima*) using suspended culture techniques. The lessee shall pay the State of Maine rent at \$100.00 per acre per year. The lessee shall post a bond or establish an escrow account pursuant to Chapter 2.64(12)(A) in the amount of \$5,000 conditioned upon performance of the obligations contained in the aquaculture lease documents and all applicable statutes and regulations.

6. 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-A(15) and Chapter 2.64(11)(B). Conditions are designed to encourage the greatest multiple compatible uses of the lease area, while preserving the exclusive rights of the lessee to the extent necessary to carry out the purposes of the lease. The following conditions shall be incorporated into the lease:

1. All gear shall be removed between June 1 and October 14 each year, including site markers and moorings.
2. The leaseholder shall obtain all stock from a DMR approved source.

7. Revocation of Lease

The Commissioner may commence revocation procedures upon determining pursuant to 12 M.R.S.A. §6072-A(22) that no substantial aquaculture or research has been conducted on the site over the course of the lease, that aquaculture has been conducted in a manner substantially injurious to marine organisms, or that any condition of the lease or any applicable laws or regulations have been violated.

Dated: _____

1-26-26



**Carl J. Wilson, Commissioner
Department of Marine Resources**

Appendix

Granted Lease Coordinates

<u>Corner</u>	<u>Latitude</u>	<u>Longitude</u>	
NW	43.940649°	-69.288506°	then 499 feet at 90° True to
NE	43.940649°	-69.286609°	then 340 feet at 180° True to
SE	43.939716°	-69.286609°	then 499 feet at 270° True to
SW	43.939716°	-69.288506°	then 340 feet at 360° True to NW