

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

**Glidden Point Oyster Company
DAM DL4x**

Experimental Aquaculture Lease Application
Suspended Culture of Shellfish
Damariscotta River, Edgecomb, Maine

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Glidden Point Oyster Company applied to the Department of Marine Resources (DMR) for a 3.97 acre experimental lease in the Damariscotta River, Edgecomb, Lincoln County, for the suspended culture of American/eastern oysters (*Crassostrea virginica*) for commercial aquaculture research and development.

1. THE PROCEEDINGS

DMR accepted the application as complete on November 10, 2022. Notice of the complete application and 30-day public comment period was published in the December 1, 2022, edition of *The Lincoln County News* and provided to state agencies, riparian landowners within 1,000 feet of the proposed site, the Town of Edgecomb and its Harbormaster, and others on DMR's email listserv. Notice to the municipality included a Harbormaster Questionnaire requesting information related to designated or traditional storm anchorages, navigation, riparian ingress and egress, and fishing or other uses of the area, among other considerations. No response was received from the Harbormaster. The comment period ended on December 31, 2022. Title 12 M.R.S.A. §6072-A (6) provides that the Commissioner shall hold a public hearing if five¹ or more persons request a public hearing within the 30-day comment period. Nine requests for a public hearing were received during the comment period and a public hearing was held on January 14, 2025. Notice of the public hearing was provided to state agencies, the Town of Edgecomb, riparian landowners within 1,000 feet of the proposed site, and subscribers to DMR's aquaculture email listserv and published in the December 12, 2024, edition of *The Lincoln County News*. The public notice for the hearing indicated that the proceeding would be conducted in-person with a remote option and directed interested persons to register to provide testimony or ask questions during the proceeding. Two individuals registered to participate in the hearing and provide testimony. One day before the hearing, one registered participant stated that they would be unable to attend.

Sworn testimony was given at hearing by the following witnesses:

¹ 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.

Name	Affiliation
Colin Casey for Glidden Point	Applicant
Carita Crawford-Keene	Riparian owner

Additional DMR staff and members of the public attended the hearing but did not offer testimony. The Hearing Officer was Maria Eggett. Before the end of the hearing, DMR announced that the record would be kept open for 30 days to get additional information from the applicant, concerning the size of the barge proposed for use in the lease operations. The applicant responded on January 16, 2025, and the record was closed the same day after the receipt of the email. The evidentiary record regarding this lease application includes the application, DMR’s site report dated July 1, 2024, the case file, and an email dated January 16, 2025, from the applicant concerning the barge. The evidence from each of these sources is summarized below.²

LIST OF EXHIBITS

1. Case file
2. Application
3. DMR site report, issued on July 1, 2024
4. Email from Ryan McPherson dated January 16, 2025

2. DESCRIPTION OF THE PROJECT

A. Proposed Operations

The purpose of the proposed experimental lease site is to assess the commercial viability of aquaculture at this site (App 6). The applicant is proposing to culture oysters using 11,988 square mesh bags (4-inches by 36.5-inches by 17.25-inches), 1,998 six-bag Flow N Grow cages (22.75-inches by 67.5-inches by 40.5-inches), as well as line, mooring gear, and buoys (App 19). The applicant also proposed to use a barge. At the hearing during cross-examination, DMR requested the dimensions of the barge. Colin Casey, the representative for Glidden Point Oyster Company at the hearing stated that the dimensions of the barge were unspecified as of the date of the hearing. To ensure that this information was provided, DMR did not close the record at the end of the hearing and requested the barge dimensions be submitted within 30 days. In an email dated January 16, 2025, Ryan McPherson, president and part owner of Glidden Point, stated that Glidden Point Oyster Company no longer wanted to use a barge at the site.

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

Therefore, a barge is no longer under consideration and if the lease is approved, it will not authorize the use of a barge.

The gear will remain on-site year-round but will be submerged between November and April (App 6). The applicant intends to seed the site in April. Site maintenance will occur daily (App 7). Harvesting will occur between July and November³ (Casey testimony/App 8).

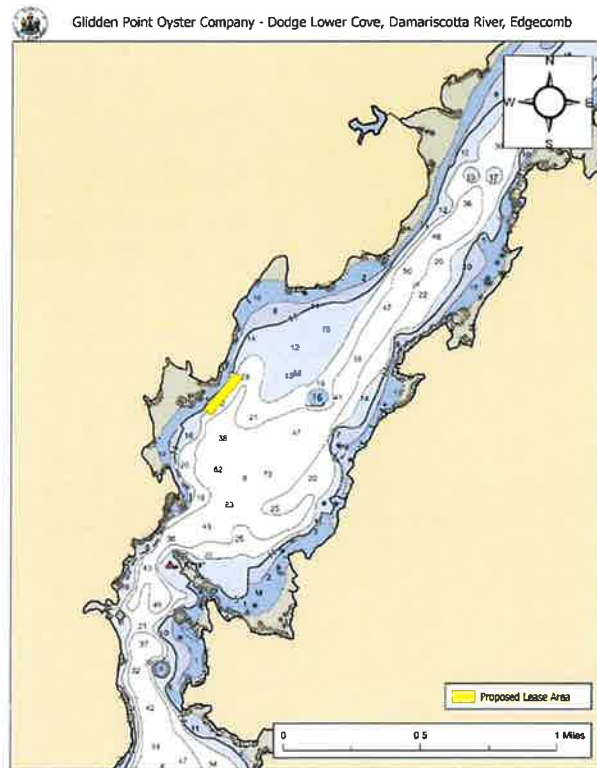


Figure 1: Vicinity map. Image generated by DMR staff.⁴

B. Site Characteristics

On August 9, 2023, DMR scientists assessed the proposed lease site. The western shore of the Damariscotta River in the vicinity of the proposal is rocky leading to forested uplands with scattered houses. There is a small uninhabited island 140 feet to the west of the proposal at mean low water (MLW).

³ The applicant initially intended to use a mechanical sorting table on the barge, powered by a generator, but removed these components from consideration in an email dated January 16, 2025.

⁴ Unless otherwise noted, all figures in this report were created in ArcGIS Pro version 2.9 using digitized NOAA Nautical Charts or geo-referenced aerial photographs provided by The Maine Office of GIS.

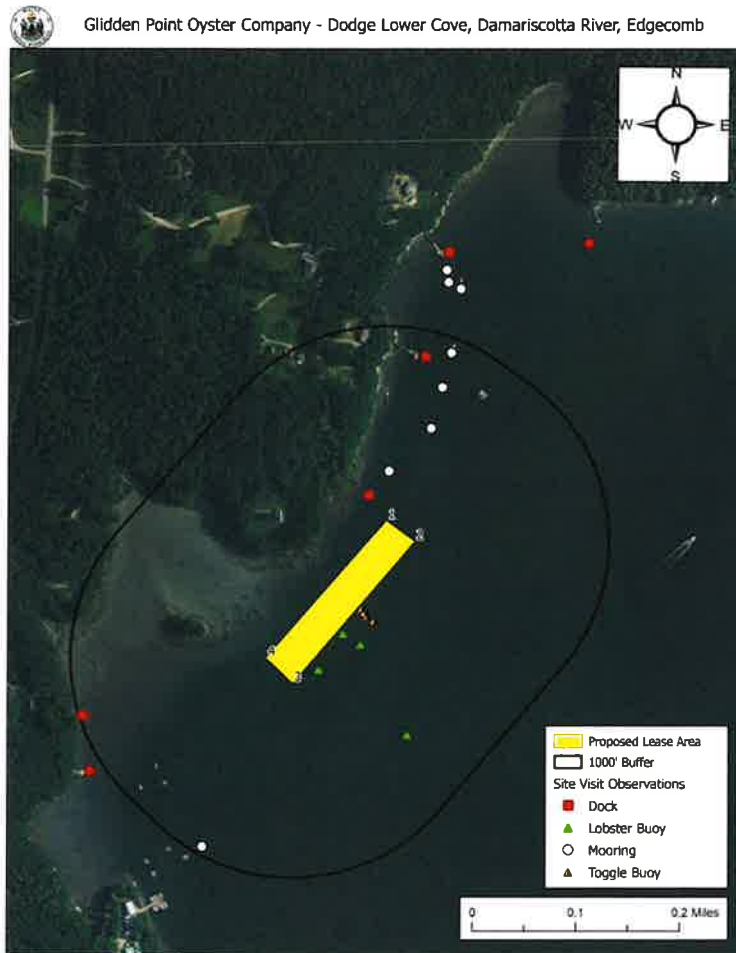


Figure 2. Proposed lease area with site visit observations. Image from DMR site report.

3. STATUTORY CRITERIA & FINDINGS OF FACT

Approval of experimental aquaculture leases is governed by 12 M.R.S.A. §6072-A. This statute provides that a lease for commercial aquaculture research and development or for scientific research may be granted by the Commissioner of DMR upon determining that the project will not unreasonably interfere with the ingress and egress of riparian owners; with navigation; with fishing or other uses of the area, taking into consideration other aquaculture uses in the area; with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna; or with the public use or enjoyment within 1,000 feet of beaches, parks, or docking facilities owned by municipal, state, or federal governments. The Commissioner must also determine that the applicant has demonstrated that there is an available source of organisms to be cultured for the lease site.

A. Riparian Access

Before granting a lease, the Commissioner must determine that the proposed project “will not unreasonably interfere with the ingress and egress of riparian owners[.]” 12 M.R.S.A. § 6072-A(13)(A). In examining riparian owner ingress and egress, the Commissioner “shall consider the type of structures proposed for the lease site and their potential impact on the vessels which would need to maneuver around those structures.” Chapter 2, § 2.37(1)(A)(1).

During the site visit, DMR observed eight piers in the vicinity of the proposal. Four of the eight piers are within 1,000 feet of the proposal. Distances and descriptions for the nearby piers are listed below in Table 1 and depicted in Figure 2.

Table 1. Approximate distances from the proposal to nearby piers. Starting with the most northern pier seen in Figure 2, moving counterclockwise.

Dock	Distance
Dodge Point Public Land pier and float	~1,870’ to the north
Pier and float with two small skiffs	~1,380’ to the north
Pier and float with a small powerboat	~844’ to the north
Pier and float with four kayaks	~218’ to the northwest
Pier and float ⁵	~944’ to the west
Pier (no float present)	~1,000’ to the southwest
Pier and float with two small skiffs and aquaculture gear	~1,090’ to the southwest
Pier and floats at Dodge Cove Marine Farm facility ⁶	~1,271’ to the southwest

DMR also observed eight moorings in the vicinity of the proposal. Five of the eight moorings observed are within 1,000 feet of the proposal. The southernmost mooring denoted in Figure 2 was unoccupied at the time of the site visit and is located inside aquaculture lease DAM DL3x held by Muscongus Bay Aquaculture. The mooring closest to the proposal was 256 feet to the north and unoccupied at the time of the site visit. Another mooring was located 527 feet north of the proposal and was occupied by a small powerboat. Of the remaining two moorings within 1,000 feet of the proposal, one was unoccupied, and one had a small sailboat present.

At the hearing, Carita Crawford-Keene testified that the proposed lease would be located too close to her pier and, during cross-examination, asked the applicant if the lease site could be

⁵ DMR observed an additional pier and float to the west of the proposal inside the cove but could not access the float via vessel to collect a waypoint due to shallow water depth at the time of the site visit. The pier and float are visible in aerial imagery from 2023 (Maine Orthoimagery Coastal Midcoast 2023).

⁶ DMR did not collect a waypoint, but pier and docks were observed during the site visit (also visible in aerial imagery from 2023).

moved⁷. When asked by DMR which pier listed in the site report belonged to her, Ms. Crawford-Keene stated the distance given in the application from her pier to the lease boundary is 430 feet. Ms. Crawford-Keene testified that she operated vessels ranging in size from 9 to 42 feet, including a 20-foot-long sailboat, in the area.

According to the site report and available tax maps, the northwestern corner of the lease (marked with #1 on Figure 2) would be located approximately 218 feet from Ms. Crawford-Keene's pier (row 4 in Table 1). While access from the south may be impeded by lease gear, access from the north and east would be unaffected by the proposed lease. Therefore, given the distances to the existing piers and moorings, including the Crawford-Keene pier, it is unlikely the proposed lease will interfere with riparian ingress and egress.

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-A(13)(B); Chapter 2.37(1)(A)(2).

The proposal is located approximately 1,100 feet to the west of the designated navigational channel in the Damariscotta River. The designated navigational channel is heavily utilized by vessels traveling north/south on the Damariscotta River. To the west of the proposal, there is approximately 100 feet of navigable water at MLW between the proposal and the western shore of the Damariscotta River (Figure 3). During DMR's site visit, seven outboard powerboats and a catamaran were observed navigating in the main river channel to the east of the proposal (SR 4).

⁷ DMR staff informed Ms. Crawford-Keene that DMR cannot consider relocation of a proposed lease site at this stage of the application process.

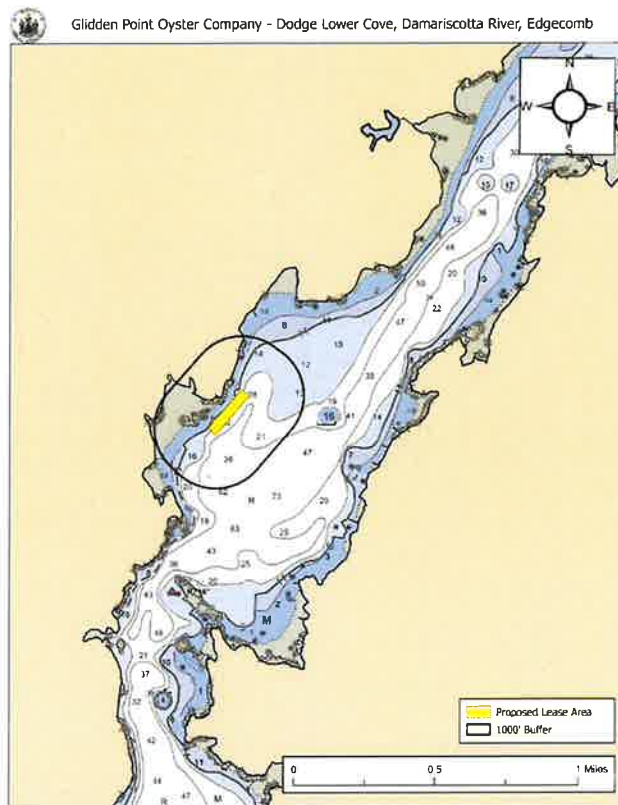


Figure 3. Navigational channels in the vicinity of the proposal. Image from DMR site report.

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

The Commissioner shall examine whether any lease activities requiring surface and or subsurface structures would interfere with commercial or recreational navigation around the lease area. The Commissioner shall consider the current uses and different degrees of use of the navigational channels in the area in determining the impact of the lease operation.

A Harbormaster Questionnaire was sent to the Town of Edgecomb. No response was received by DMR.

Ms. Crawford-Keene testified that she operated vessels from 9 to 42 feet, including a 20-foot long sailboat in the area. Ms. Crawford-Keene stated she was concerned that the proximity, location, and size of the lease site would “hamper the ease with which we have grown accustomed to sailing in and out and around the cove and river”⁸. Additionally, she testified that the cove and nearby river already contain two

⁸ Ms.Crawford-Keene also testified that she has concerns with an obstructive “barrier of black plastic floats” and a second generator. Noise and visual impacts are not criteria considering by DMR when evaluating experimental lease applications. Ms. Crawford-Keene also expressed concerns about erosion, however, this is also not contemplated in lease decisions.

other aquaculture sites, community docks, moorings, private docks, and the Dodge Point Preserve and expressed concerns about future obstructions due to the proposed lease.

While there are several moorings and piers in the area, most are north of the proposed lease site. According to the site report, the designated navigational channel is approximately 1,100 feet to the east of the lease boundaries. While the addition of this proposal could increase the cumulative obstructions nearshore in this area of the river, the lease, if approved, would not unreasonably impact navigation because it is located a considerable distance from the designated navigational channel. Riparian ingress and egress were discussed in the prior finding.

Given the distances to the designated navigation channel, the proposed lease will not unreasonably interfere with navigation.

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-A(13)(C); Chapter 2.37(1)(A)(3).

Fishing. During the site visit, DMR observed light lobstering activity to the east of the proposal. Four lobster buoys were documented within the vicinity of the proposal. The closest lobster buoy was 30 feet to the east (Figure 2). DMR observed one recreational fishing vessel approximately 30 feet west of the proposal fishing with rod and reel and casting towards the shoreline (SR 6).

The application states that lobstering occurs in this area, with traps observed approximately 100-500 feet from the proposed lease site. Also, according to the application, recreational fishing for striped bass occurs in the late spring and summer months, approximately 100-1,000 feet from the proposed lease boundaries (App 9).

In evaluating fishing and other uses, the commissioner must consider the following pursuant to Chapter 2.37(A)(3):

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

No comments regarding impacts to fishing were received by DMR and no testimony was given at the public hearing concerning impacts to fishing.

Given the limited level of activity reported by the applicant and documented in the site report, the proposed lease will not unreasonably interfere with commercial and recreational fishing activities in the area.

Other uses. According to the application, paddleboarding and kayaking occur in the area (App 9). Ms. Crawford-Keene testified at the hearing that she and her family swim and kayak from their pier. The closest lease boundary is approximately 218 feet from the Crawford-Keene pier, leaving sufficient room for recreation from the pier if the lease is approved.

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

D. Other Aquaculture Uses

In considering the proposal's effect on other uses of the area pursuant to 12 M.R.S.A. § 6072-A(13)(C), 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).

There are two aquaculture leases and ten limited purpose aquaculture (LPA) sites within 1,000 feet of the proposed lease site. This proposal is located within the footprint of DAM DL2. DAM DL2 is a standard lease held by Glidden Point Oyster Company for bottom culture only⁹. The second lease, DAM DL3x, is held by Muscongus Bay Aquaculture. The ten LPAs within 1,000 feet of the proposal are as follows: HBUR122, PSMI1821, PSMI1921, PSMI1021, RPAN120, RPAN220, RPAN320, RPAN420, SBEL217, and RJOL223 (Figure 4). An individual affiliated with Glidden Point Oyster Company operates LPAs RPAN120, RPAN220, RPAN320, and RPAN420, which are the LPAs closest to the proposed site and within or near the boundary of DAM DL2¹⁰ (SR 7).

⁹ This lease proposal would not violate the conditions placed on lease DAM DL2 by DMR.

¹⁰ Application page 13

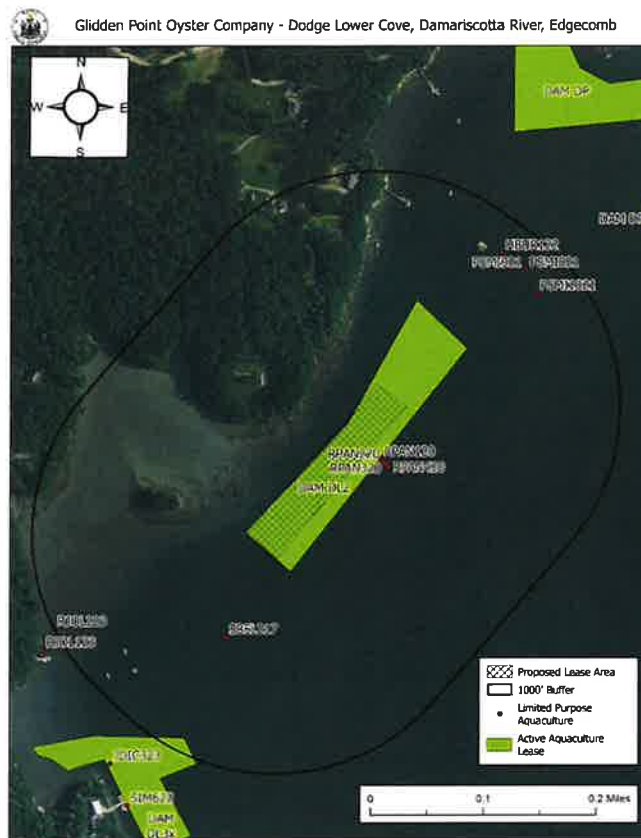


Figure 4. Aquaculture leases and LPA licenses in the vicinity of the proposed lease area.

No testimony was given at the public hearing concerning impacts to other aquaculture activities. The proposed lease is almost entirely contained within the boundaries of an existing lease held by the applicant, it will not interfere with other aquaculture uses in the area.

Therefore, based on the information in the record, 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-A(13)(D); Chapter 2, § 2.37(1)(A)(5)).

On August 9, 2023, DMR utilized a remotely-operated vehicle (ROV) to assess the epibenthic ecology of the proposed lease. The relative abundance of epibenthic flora and fauna observed in the video transect is described below in Table 2 (SR 8).

Table 2. Species observed on underwater camera footage.

Species Observed	Abundance
Quahog (<i>Mercenaria mercenaria</i>)	Common
Sand shrimp (<i>Crangon septemspinosa</i>)	Common
Pancake batter tunicate (<i>Didemnum vexillum</i>)	Common
European oyster (<i>Ostrea edulis</i>)	Occasional
American/eastern oyster (<i>Crassostrea virginica</i>)	Occasional
Hermit crab (<i>Pagurus</i> spp)	Occasional
Rockweed (<i>Ascophyllum nodosum</i>)	Rare
Cunner (<i>Tautogolabrus adspersus</i>)	Rare

Eelgrass (*Zostera marina*)

Recent records of eelgrass collected by Maine Department of Environmental Protection (MDEP) in 2023 indicate no mapped eelgrass presence in the vicinity of the proposal. The nearest mapped eelgrass is approximately 5.1 miles upriver of the proposal.¹¹ No eelgrass was observed during DMR’s site assessment.

According to Geographic Information System (GIS) data maintained by the Maine Department of Inland Fisheries and Wildlife (MDIFW) and available through the Maine Office of GIS (MEGIS), the proposed lease is located approximately 127 feet to the east of mapped Tidal Waterfowl and Wading Bird Habitat (TWWH). Data collected by the United States Fish and Wildlife Service in 2022 by aerial nest survey shows the closest mapped bald eagle nesting site to be approximately 1.45 miles south of the proposal.

During the site assessment, DMR observed double-crested cormorant (*Nannopterum auritum*), osprey (*Pandion haliaetus*), a bald eagle (*Haliaeetus leucocephalus*), common tern (*Sterna hirundo*), herring gulls (*Larus argentatus*), and great blue heron (*Ardea Herodias*) in the general vicinity of the proposal (SR 9).

On December 7, 2022, a Wildlife Biologist with MDIFW responded by email to a “Request for Agency Review and Comment” stating minimal impacts to wildlife are anticipated for this project.¹²

¹¹ Data obtained from The Maine Office of GIS “GISVIEW.MEDEP.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.

¹² Email correspondence between MDIFW and MDMR

No testimony was given at the public hearing concerning impacts to ecologically significant flora and fauna.

Given MDIFW's comment and the DMR site report, it is unlikely the proposed activities will unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.

Therefore, 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. Public Use & Enjoyment

When examining interference with public facilities, the Commissioner considers the degree to which the lease interferes with public use or enjoyment within 1,000 feet of a beach, park, or docking facility owned by the Federal Government, the State Government, or a municipal government (12 M.R.S.A. § 6072-A(13)(F); Chapter 2.37(1)(A)(7)) and 2.64(11)(A)).

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

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

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-A(13)(E); Chapter 2.37(1)(A)(6)).

The applicant proposes to obtain American/eastern oysters (*Crassostrea virginica*) stock from Muscongus Bay Aquaculture (Bremen, Maine). This is an approved source for stock.

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

4. CONCLUSIONS OF LAW

Based on the above findings, the Department concludes that:

1. The aquaculture activities proposed for this site will not unreasonably interfere with the ingress and egress of riparian owners.

2. The aquaculture activities proposed for this site will not unreasonably interfere with navigation.

3. The aquaculture activities proposed for this site will not unreasonably interfere with fishing or other uses of the area.

4. The aquaculture activities proposed for this site will not unreasonably interfere with other aquaculture uses of the area.

5. 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.

6. 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.

7. 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 application for the proposed experimental lease of 3.97 acres to Glidden Point Oyster Company, for three years, the term of the lease to begin within twelve months of the date of this decision, on a date chosen by the lessee¹³; however, no aquaculture rights shall accrue in the lease area until the lease is fully executed.

This lease is granted to the lessee for the suspended cultivation of American/eastern oysters (*Crassostrea virginica*). The lessee shall pay the State of Maine rent in the amount of \$100.00 per acre per year. Because this is an experimental lease with more than 400 square feet of structures and no discharge, a bond or escrow account is required. The lessee shall post a bond or establish an escrow account pursuant to DMR Rule Chapter 2.64 (12)A in the amount of \$5,000.00, conditioned upon performance of the obligations contained in the aquaculture lease documents and all applicable statutes and regulations.

6. CONDITIONS TO BE IMPOSED ON LEASE

¹³ DMR Rule 2.64 (14) provides:

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

The Commissioner may establish conditions that govern the use of the lease area and impose limitations on aquaculture activities, pursuant to 12 M.R.S.A §6072-A (15) and 2.64(11)(B). Conditions are designed to encourage the greatest multiple compatible uses of the lease area, while preserving the exclusive rights of the lessee to the extent necessary to carry out the purposes of the lease. No conditions are imposed on this lease.

7. REVOCATION OF EXPERIMENTAL LEASE

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

Dated: _____

5.12.25

A handwritten signature in blue ink, appearing to read "Carl J. Wilson", is written over a horizontal line.

Carl J. Wilson, Commissioner

Department of Marine Resources