

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

ICE HOUSE SEAFOOD LLC

Experimental Aquaculture Lease Application
Suspended Culture of Shellfish and Marine Algae
Lobster Pound, Port Clyde Harbor, St. George

PCH LLx

Findings of Fact, Conclusions of Law, and Decision

Ice House Seafood LLC applied to the Department of Marine Resources (DMR) for a three-year experimental aquaculture lease on 2.87 acres located in a tidal impoundment¹ in Port Clyde Harbor, St. George, Knox County. The proposal is for the suspended culture of shellfish and marine algae. The proposal is for commercial research and development.

1. Proceedings

On May 14, 2024, DMR accepted the final application as complete. Notice of the completed application and the 30-day public comment period was provided to state agencies, the Town of St. George, riparian landowners within 1,000 feet of the proposed site, and subscribers to DMR's aquaculture email listserv. On May 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 May 28, 2024. Notice of the complete application and comment period was published in the *Courier-Gazette* on May 23, 2024.

The version of Title 12 M.R.S.A. § 6072-A(6) that was in effect when this application was deemed complete provides that the Commissioner shall hold a public hearing if five or more persons request a public hearing within the 30-day comment period. On June 22, 2024, the comment period ended. 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 November 4, 2025, and the case file. The evidence from each of these sources is summarized below.

A. List of Exhibits

1. Case file (CF)
2. Application (App)
3. DMR site report, issued on November 4, 2025 (SR)

¹ The site was formerly a lobster pound and is also referred to as such in this decision.

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

There are three Limited Purpose Aquaculture (LPA) sites within the boundaries of the proposal: ASMA221, ASMA321, and ASMA421. All three LPAs are held by Antonia Small, co-owner of Icehouse Seafood LLC, and will be relinquished if the proposal is granted (App 16).

B. Proposed Operations

The applicant proposes to culture American/Eastern oysters (*Crassostrea virginica*), Atlantic sea scallop (*Placopecten magellanicus*), bay scallop (*Argopecten irradians*), green sea urchin (*Strongylocentrotus droebachiensis*), sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*)², dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), nori (*Porphyra sp.*), and sea lettuce (*Ulva lactuca*) using suspended culture techniques (App 1, 4). The applicant proposes to use 1,000 mesh bags (36-inch by 18-inch by 3-inch), up to 100 lantern nets (20-inch radius by 8-foot long), up to 50 6-bag cages/ranches (67.5-inch by 36-inch by 9-inch), up to 50 10-bag cages/condos (46-inch by 36-inch by 28-inch), up to 50 spat bags (15-inch by 25-inch), up to 50 lobster crates (32-inch by 20-inch by 15-inch), and up to 100 shrimp traps (25-inch by 25-inch by 9.5-inch) (App 24). The applicant also proposes to use two float structures: one 24-foot by 12-foot by 16-inch (above the waterline) and one 20-foot by 12-foot by 16-inch (above the waterline), and up to 5 upwellers (36-inch by 24-inch) as well as buoys, rope, moorings, an awning, and the power equipment listed below in Table 1 below (App 24).

The applicant anticipates seeding and harvesting to occur at varying times throughout the year, depending on the species (App 12-13). The applicant expects to tend the site daily from March 1 to December 31 and as needed in the winter.

According to the application, a skiff will be used at the lease site (App 13).

² Application lists the scientific name for shotgun kelp as *Agarum cribosum*. The current accepted scientific name is *Agarum clathratum*.

Table 1. Power equipment proposed for the lease site

Equipment	Description	Frequency of Use
Aerators	Up to ten, shore electric-powered	Year-round
Hoist	one, shore electric-powered	Year-round
Tumbler	one, shore electric-powered	Year-round

C. Site Characteristics

Description. On October 11, 2024, Department of Marine Resources (DMR) scientists assessed the proposed lease site. Port Clyde is a populated village with residential homes. The shoreline in the vicinity of the proposal consists of a rocky shoreline with residential homes and lawns that lead to forested uplands.

The proposal is located entirely within a tidal impoundment. Water depth within the impoundment is partially a function of the man-made impoundment, as well as tidal stage. If the man-made impoundment was not present, portions of the proposed lease would be located above mean low water (MLW). Water depth within the pound is approximately 3.0 feet at MLW and approximately 12.0 feet at mean high water (MHW) (App 16).

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 with shell rubble (SR 2).

Growing Area Classification. Growing Area Classifications for bivalve shellfish are reviewed on an annual basis and subject to change. Classifications can also be updated at any time in response to changing environmental conditions, emergency situations, or other factors that impact water quality. If the lease is granted, it is the responsibility of the leaseholder to stay informed of and comply with harvest requirements applicable to the respective growing area. The proposed lease is located within an area that is currently classified as Approved for the harvest of shellfish by the DMR Bureau of Public Health and Aquaculture (SR 12).

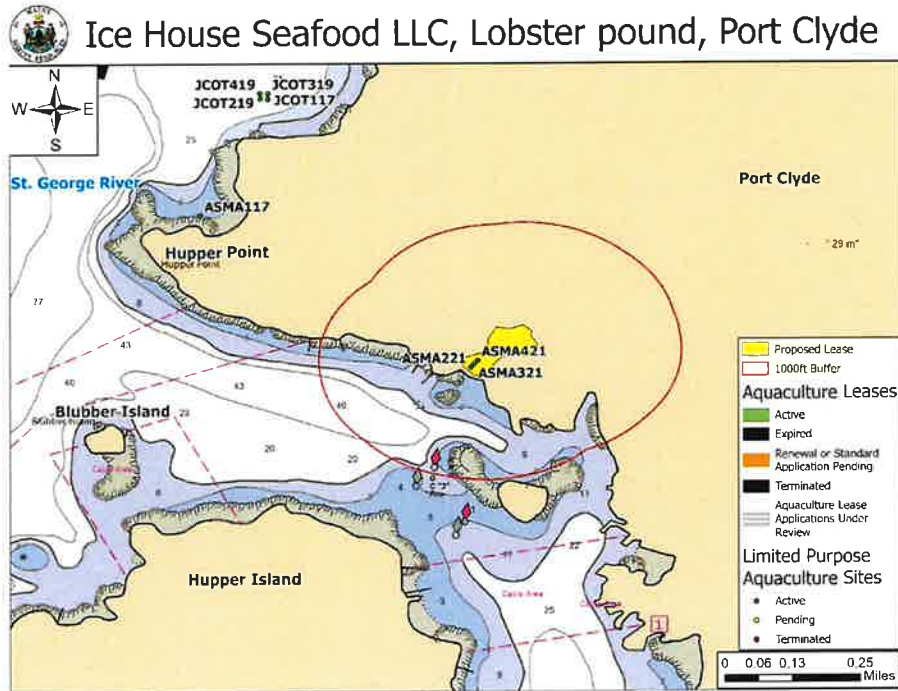


Figure 1. Proposed lease site and surrounding area.

3. Legal Criteria and Findings of Fact

Approval of experimental aquaculture leases is governed by 12 M.R.S.A. § 6072-A and DMR Regulations, Chapter 2.37 and 2.64.³ 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.

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

³ Chapter 2 of DMR Regulations is published at 13-188 C.M.R. ch. 2 and may be found at <https://www.maine.gov/dmr/rules-enforcement/regulations-rules>.

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).

The proposed lease is located entirely within a privately owned tidal impoundment that is leased by the applicant. DMR scientists observed a dock associated with the upland property surrounding the impoundment, approximately 75 feet south of the proposal that can be accessed by walking across the tidal impoundment structure. DMR scientists also observed a commercial fishing wharf approximately 200 feet southwest of the proposal. Both the dock and the commercial fishing wharf are located outside of the tidal impoundment. The applicant intends to access the proposed lease from the upland property owner's private parking lot (App 16).

A Harbormaster Questionnaire was completed by the local Harbormaster and submitted to DMR on May 28, 2024. The Harbormaster indicated that the proposal would not impact riparian ingress and egress.

Due to the intertidal location of the proposal, the applicant is required to obtain written consent for use of the intertidal land from the owner of the intertidal land. The applicant provided this permission with the application. The proposal is located on parcel 103-002 and the applicant received necessary permission from the owner of the parcel (Figure 3)(SR 5-6).

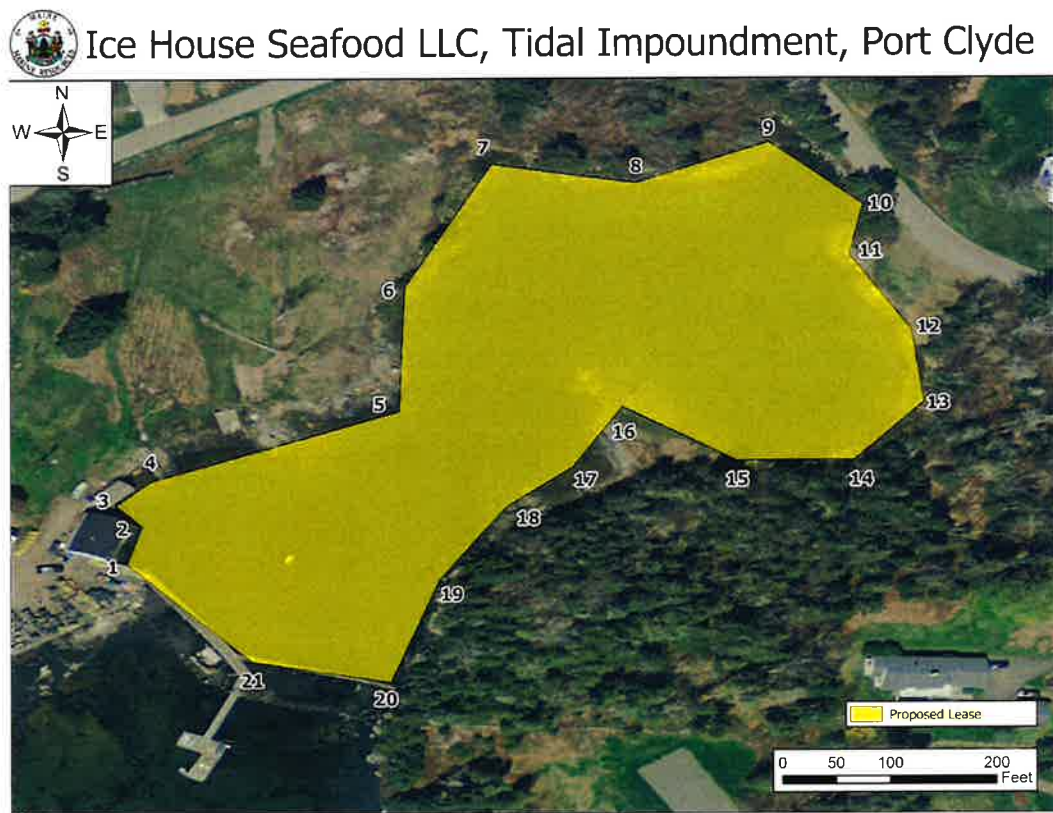


Figure 2. The proposed lease area and corner labels.

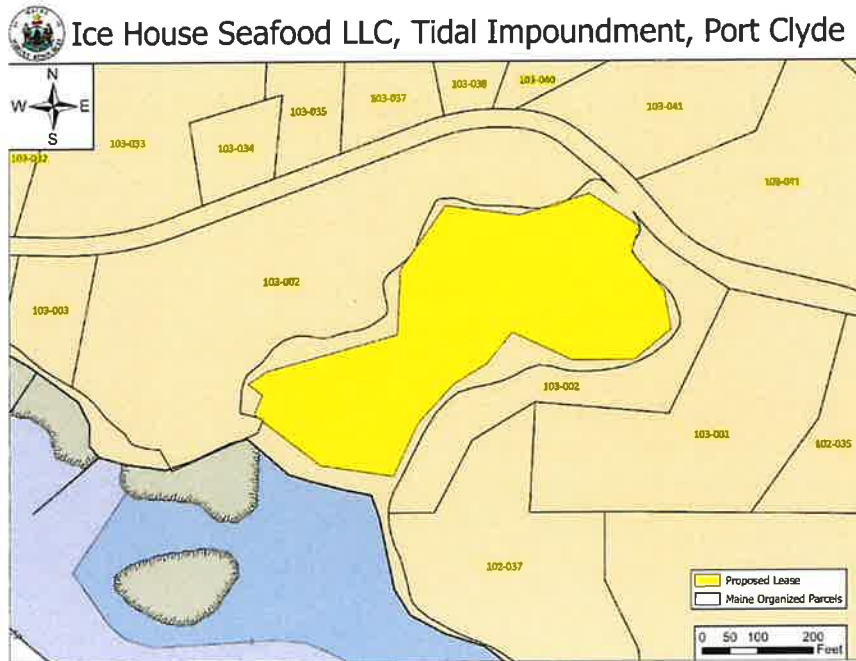


Figure 3. Parcels in the vicinity of the proposed lease area.⁴

Given the distance to the commercial wharf, the fact that the dock and commercial fishing wharf are outside of the physical impoundment, the confined nature of the site, and that the applicant secured permission from the upland and intertidal landowner, 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 unreasonably 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). High tide “short cuts” shall not be considered navigational ways for purposes of this section. Chapter 2.37(1)(A)(2).

The proposal is located within a privately owned tidal impoundment that is leased by the applicant. The impoundment is not publicly accessible. Corner 21 of the proposed lease is approximately 31 feet to

⁴ Data obtained from ‘Maine Organized Parcels’

the north of the nearest navigable water at MLW. However, there is a man-made impoundment structure located between the proposal and the nearest navigational channel (Figure 4).

The Harbormaster indicated in the Harbormaster Questionnaire that the proposal would not impact navigation.

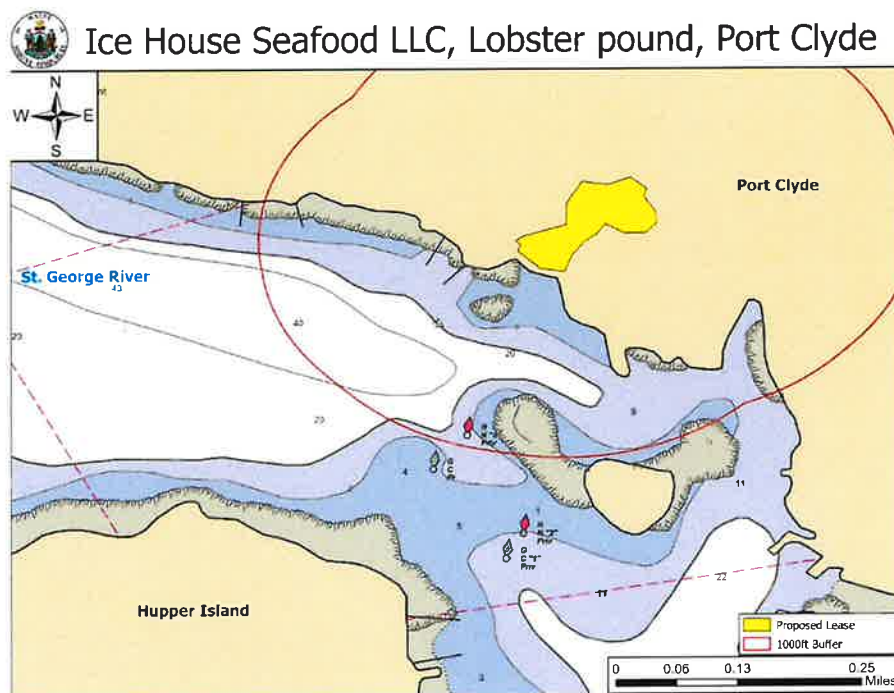


Figure 4. Navigational channels in the vicinity of the proposed lease area.

There is no evidence that the tidal waters within the impoundment are used by the public using watercraft due to physical barriers. Additionally, unless permission has been granted by the riparian landowner, hand launching a watercraft in the impoundment would not be possible without trespassing on the surrounding parcel.

Due to the location of the proposal within a tidal impoundment with no navigation channels or public access, no impacts to navigation will occur.

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. With respect to fishing, the Commissioner 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. Chapter 2.37(1)(A)(3).

The proposal is located within a privately owned tidal impoundment that is leased by the applicant. The impoundment is not publicly accessible. During the site visit, DMR scientists did not observe any commercial or recreational fishing within the proposal boundaries. The Harbormaster indicated in the Harbormaster Questionnaire that there is no commercial or recreational fishing within the area of the proposed lease.

The Town of St. George has a shellfish conservation program in accordance with 12 M.R.S.A. § 6671 and because the site is located within the intertidal, the applicant is required to obtain consent from the municipality. The applicant provided this permission with the application (App 35; SR 7-8).

Because the proposal is located entirely within a privately owned impoundment, there will be no impacts to fishing.

Other Uses. According to the application, the on-site managers of the commercial lobster wharf and associated upland structures, who are employed by the property owner, occasionally swim in the impoundment. In a letter included in the application, the property owner granted access to the impoundment (App 35).

Therefore, 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 within 1,000 feet of the proposal. There are three Limited Purpose Aquaculture (LPA) sites within the boundaries of the proposal: ASMA221, ASMA321, and ASMA421. All three LPAs are held by Antonia Small, co-owner of Icehouse Seafood LLC, and will be relinquished if the proposal is granted (App 16).

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 October 11, 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 2.

Table 2. Species observed on underwater video footage.

Species Observed	Abundance
Mysid Shrimp (<i>Mysis sp.</i>)	Abundant
Pancake batter tunicate (<i>Didemnum vexillum</i>)	Abundant
Green Crab (<i>Carcinus maenas</i>)	Common
Sea snail (<i>Littorina spp.</i>)	Common
Rockweed (<i>Ascophyllum nodosum</i>)	Common
Eelgrass (<i>Zostera marina</i>)	Occasional
Striped Bass (<i>Morone saxatilis</i>)	Rare

Marine Vegetation. Records of seagrass collected by the Department of Environmental Protection (DEP) in 2023⁵ indicates there is no mapped eelgrass presence in the vicinity of the proposal. The nearest mapped eelgrass is approximately 207 feet southwest of the proposal (outside of the impoundment).

During the site visit, DMR scientists observed a small amount of eelgrass attached to the seafloor within the boundaries of the proposal. The observed eelgrass was located in the southern portion of the proposal, approximately 100-200 feet northeast from corner 1 (Figure 2). The observed eelgrass was sparse to very sparse in density and appeared to be unhealthy (Image 1). Depths at MLW are reported to be approximately 3 feet. Water depth at the time of the site visit was approximately 5 feet (SR 9).

⁵ 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.



Image 1. Observed eelgrass (*Z. marina*) in the boundaries of the proposed lease area.

Wildlife. During DMR’s site visit, scientists observed the species listed in Table 2 in the general vicinity of the proposal.

The Department of Inland Fisheries and Wildlife (IFW) has jurisdiction over inland fisheries and wildlife resources of the state. IFW also has the authority to conserve wildlife populations and their ecosystems through applicable state laws and rules. DMR provides IFW with notice and the opportunity to comment on all complete lease applications. In addition, the Site Report also includes IFW designated and mapped habitat types that are within 1,000 feet of the lease proposal, if applicable.

According to Geographic Information System (GIS) data maintained by IFW and available through the Maine Office of GIS (MEGIS), there are no mapped habitat types within 1,000 feet of the lease 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 also 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 there is no mapped bald eagle nesting site in the vicinity of the proposal⁶.

IFW was provided with the opportunity to comment on this proposal. On June 13, 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.⁷

⁶ Data obtained from USFWS “Bald Eagle Nest Sites” at “<https://gis-fws.opendata.arcgis.com/datasets/fws::bald-eagle-nests-maine/explore?layer=1&location=45.242958%2C-69.027618%2C5>”. This is the most current record of bald eagle nests within the vicinity of the proposal.

⁷ Email correspondence between IFW and DMR

Given the absence of mapped significant wildlife habitat near the proposed lease site, IFW's comment stating that minimal impacts to wildlife are anticipated, and the presence of unhealthy, sparse to very sparse 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).

According to the application, American/Eastern oyster (*Crassostrea virginica*) and bay scallop (*Argopecten irradians*) would be sourced from Muscongus Bay Aquaculture in Bremen, Maine, or another DMR approved hatchery (App 4). Muscongus Bay is currently an approved hatchery for these species. Green sea urchin (*Strongylocentrotus droebachiensis*) would be sourced from Springtide Seaweed in Gouldsboro, Maine or the University of Maine Center for Cooperative Aquaculture Research in Franklin, Maine (App 4). These are both approved sources for this species.

The application states the intention to source Atlantic sea scallops (*Placopecten magellanicus*) from Marsden Brewer in Stonington, Maine (App 4). Marsden Brewer currently holds a spat collection license and is therefore an approved source.

The application states that 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*), nori (*Porphyra sp.*), and sea lettuce (*Ulva lactuca*) would be sourced from Springtide Seaweed in Gouldsboro, Maine, or another DMR approved hatchery (App 4). Springtide Seaweed is an approved source for sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), nori (*Porphyra sp.*), Irish moss (*Chondrus crispus*), and dulse (*Palmaria palmata*), but not for shotgun kelp (*Agarum clathratum*) or sea lettuce (*Ulva lactuca*). However, there is a facility

currently approved for shotgun kelp (*Agarum clathratum*) and sea lettuce (*Ulva fenestrata*)⁸. If the lease is granted, the applicant is required to obtain these two species from a DMR approved source.

Therefore, 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 (SR 12).

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. 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.

⁸ Atlantic Sea Farms previously cultured *Ulva lactuca* but has amended their land-based aquaculture license to culture *Ulva fenestrata*.

- g. 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 Ice House Seafood LLC, for 2.87 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.

This lease is granted to the lessee for the cultivation of American/Eastern oysters (*Crassostrea virginica*), Atlantic sea scallop (*Placopecten magellanicus*), bay scallop (*Argopecten irradians*), green sea urchin (*Strongylocentrotus droebachiensis*), 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*), nori (*Porphyra sp.*), and sea lettuce (*Ulva fenestrata*) using suspended culture techniques. The granted lease coordinates are contained in the Appendix to this decision. 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 \$5,000.00 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. No conditions are imposed on this lease.

7. Revocation of Lease

The Commissioner may initiate revocation proceedings 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 has been violated.

Dated: 8.13.26



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

Appendix

Granted Lease Coordinates

<u>Corner</u>	<u>Latitude</u>	<u>Longitude</u>	
1	43.9330978	-69.2641241	37 feet at 0018° True to
2	43.933194	-69.2640839	37 feet at 317° True to
3	43.9332477	-69.2641523	33 feet at 048° True to
4	43.9333094	-69.2640617	180 feet at 069° True to
5	43.9334869	-69.2634261	117 feet at 002° True to
6	43.9338063	-69.2634112	129 feet at 026° True to
7	43.9341215	-69.2631869	99 feet at 098° True to
8	43.9340733	-69.2628183	98 feet at 066° True to
9	43.9341781	-69.2624757	86 feet at 135° True to
10	43.9340185	-69.2622368	49 feet at 189° True to
11	43.9338878	-69.2622707	82 feet at 149° True to
12	43.9336947	-69.2621139	68 feet at 172° True to
13	43.9335097	-69.2620819	72 feet at 222° True to
14	43.9333612	-69.2622592	79 feet at 269° True to
15	43.9333603	-69.2625599	92 feet at 305° True to
16	43.9334982	-69.2628544	66 feet at 211° True to
17	43.9333434	-69.2629824	58 feet at 233° True to
18	43.9332423	-69.2631504	82 feet at 212° True to
19	43.9330542	-69.2633232	101 feet at 200° True to
20	43.9327923	-69.2634488	96 feet at 280° True to
21	43.9328459	-69.2638037	then 125 feet at 318° True to 1