

**STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES**

**MISS MADISYN, LLC**

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

**STG DC3**

**Findings of Fact, Conclusions of Law, and Decision**

Miss Madisyn, LLC applied to the Department of Marine Resources (DMR) for a twenty-year standard aquaculture lease on 4.43<sup>1</sup> acres located in Deep Cove, St. George River, St. George, Knox County, Maine. The proposal is for the suspended culture of sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*)<sup>2</sup>, dulse (*Palmaria palmata*), nori/laver (*Porphyra* spp), red seaweed (*Gracilaria tikvahiae*), Irish moss (*Chondrus crispus*), and sea lettuce (*Ulva lactuca*).

**1. Proceedings**

DMR held a pre-application meeting on this proposal on January 19, 2022, and a scoping session was held on June 7, 2022. DMR accepted the final application as complete on May 30, 2023. Notice of the completed application and public hearing was provided to state agencies, the Town of St. George, and subscribers to DMR's aquaculture email listserv. 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 June 7, 2023. Notice of the hearing was published in the *Midcoast Villager* on June 26, 2025, and provided to state agencies, the Town of St. George, and subscribers to DMR's aquaculture email listserv. The public notice for the hearing stated that the proceeding would be conducted in-person and remotely and directed interested persons to register to provide testimony or ask questions during the proceeding. The registration deadline was July 21, 2025. The deadline for requesting intervenor status was July 21, 2025. No applications for intervenor status were received by DMR. Three individuals registered to participate in the hearing. DMR held a public hearing on this application on August 5, 2025.

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<sup>1</sup> Applicant originally requested 4.44 acres. DMR calculations indicate the area is 4.43 acres.

<sup>2</sup> Application lists shotgun kelp as *Agarum cribosum*, but current accepted name is *Agarum clathratum*.

**Table 1.** Individuals who provided sworn testimony at the hearing.

Name	Affiliation
Greg Morris	Owner, Miss Madisyn, LLC
Aurora Burgess	Members of the public
Liz MacDonald	

Additional DMR staff and members of the public attended the hearing but did not offer testimony. The hearing was recorded by DMR. The Hearing Officer was Maria Eggett. The record was closed on August 5, 2025.

The evidentiary record before DMR regarding this lease application includes the record of testimony at the hearing. The evidence from all sources is summarized below.

#### **A. List of Exhibits**

1. Case file (CF)
2. Application (App)
3. DMR site report, issued on July 2, 2024 (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**

On October 10, 2019, Miss Madisyn was granted the 3.74-acre experimental lease, STG DC3x in accordance with 12 M.R.S.A. §6072-A. The experimental lease was issued for a three-year term and authorized the suspended culture of sugar kelp, winged kelp, dulse, Irish moss, laver, skinny kelp, and horsetail kelp using fourteen 1,000 foot longlines suspended below the surface of the water, as well as moorings, depth control lines, concrete weights, and buoys. The lease included a condition that all gear, including the moorings and lines, must be removed from the water between June 15 and October 1 each year.

Greg Morris, on behalf of Miss Madisyn, executed the lease agreement on October 25, 2019, with the term of the lease beginning on October 22, 2019, and continuing through October 21, 2022. On March

23, 2022, Miss Madisyn, LLC submitted a standard lease application for the entirety of area encompassed by STG DC3x<sup>3</sup>.

### **B. Technical Capability**

Over the course of the experimental lease term, Miss Madisyn, LLC, which is owned by Greg Morris, has failed to fully comply with the lease condition requiring the removal of all gear, including moorings by June 15. On June 17, 2020, the Aquaculture Division received a complaint from a commercial fisherman that gear and moorings were still deployed on the lease site. The fisherman was very concerned about the gear because it was preventing him from seining in the area, which could have implications for his quota.<sup>4</sup> The complaint was shared with Marine Patrol, who inspected the site and on June 18, 2020, confirmed that 10 moorings were still within the boundaries of STG DC3x. Marine Patrol issued a warning to Mr. Morris.

On June 21, 2020, DMR received another complaint from a commercial lobsterman that aquaculture gear was still deployed. The fisherman stated that the area is a very popular spot to seine for pogies [menhaden (*B. tyrannus*)], but the presence of aquaculture gear prevented him and others from being able to fish in that area. The fisherman also stated that the aquaculture gear would interfere with lobster fishing.<sup>5</sup> On June 22, 2020, the complaint was referred to Marine Patrol for follow-up. On July 6, 2020, Marine Patrol confirmed that there were moorings still in the area. Marine Patrol further stated they had contacted all lease holders in the area [John Cotton, Greg Morris, and Scott Lord] who confirmed the moorings would be removed by July 7, 2020. On July 8, 2020, Marine Patrol confirmed that all moorings had been removed.

On June 9, 2022, Mr. Morris contacted Marine Patrol to inform them that he would not be able to meet the June 15 removal deadline. On June 10, 2022, DMR agreed to grant Greg Morris and Scott Lord an extension of one week to the June 15 gear removal deadline. DMR granted the extension as Greg Morris had stated that the delay was due to exonerating factors, illness and equipment malfunction. Prior to granting the extension, Marine Patrol confirmed that menhaden fishing would begin on June 13, 2022, but noted

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<sup>3</sup> The Experimental lease expired on October 21, 2022. 12 M.R.S.A. §6072-A(20) provides that if the lease holder applies for a Standard lease under 12 M.R.S.A. § 6072 prior to the expiration of the Experimental lease and that application encompasses all or a portion of the Experimental lease area then the holder may continue to operate the site while DMR considers the Standard lease application. On March 23, 2022, Miss Madisyn, LLC submitted a Standard lease application.

<sup>4</sup> Email from F. Drury to Lt. D. White (June 17, 2020). The specific species being targeted was not provided in the email, but based on the time of year, fishing method, reference to quota, and the receipt of an additional compliant three days later, it is highly likely the fisherman was targeting menhaden (*B. tyrannus*). Menhaden is a quota fishery meaning that once the allowable catch is met the fishery is closed.

<sup>5</sup> Emails from D. Delano to S. Cotnoir and S. Cotnoir to other DMR staff and Marine Patrol from June 21-July 8, 2020.

menhaden activity had been minimal in the area compared to prior seasons.<sup>6</sup> DMR did not receive any complaints concerning gear during the timeframe the extension was in effect.

If approved, the standard lease application submitted by Miss Madisyn, LLC would increase the footprint and amount of gear previously authorized as part of STG DC3x. The size of the site would increase from 3.74 acres to 4.43 acres. The amount of gear would increase from 14 longlines to 17 longlines, which would, as a result, increase the number of moorings, tackle, and buoys. Miss Madisyn, LLC is proposing to deploy gear from October 1-June 15, which is consistent with the prior condition placed on STG DC3x.

### **Discussion**

In accordance with 12 M.R.S.A. §6072(5), DMR made a preliminary determination that the application demonstrated Miss Madisyn, LLC had the technical capability to carry out the proposed activities and deemed the application complete. However, further review of the operation of the experimental lease calls into question the applicant's technical capability to operate a standard lease that is larger in size and contains more gear. The question of the applicant's capacity to operate the standard lease in accordance with the application is pertinent as DMR evaluates the proposal in accordance with the lease decision criteria contained in 12 M.R.S.A. §6072(7-A). The review of the prior complaint history and ability to adhere to lease conditions is relevant as a history of such failures may suggest a likelihood that the proposed lease operations under review will involve future non-compliance, potentially resulting in a failure to meet applicable standards contained in 12 M.R.S.A. §6072(7-A).

For two years of a three-year term, Miss Madisyn, LLC was unable to comply with the gear removal requirement. In 2020, Miss Madisyn, LLC failed to remove the gear by the June 15 deadline, doing so instead on July 8, nearly 30 days later. This delay affected menhaden fishing operations. This is particularly concerning for menhaden fishing, as its season is typically brief (~11 weeks in duration), and fishermen rely on every available opportunity to catch menhaden before the quota is reached and the fishery is closed. Although Miss Madisyn, LLC was granted an extension to the June 15 deadline by DMR in 2022, this marked the second instance in which the company was unable to remove its gear in compliance with the condition.

Miss Madisyn, LLC has proposed removing gear by June 15 in the standard lease application. However, it could not consistently meet this deadline when it was a condition of the experimental lease. Based on a review of the experimental lease record, Miss Madisyn, LLC has not fully demonstrated it has the technical capacity to operate this site as originally proposed in a manner that encourages the greatest multiple, compatible uses of the leased area. Because of this finding, and if granted, DMR will establish a

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<sup>6</sup> Emails from AQ Division staff (C. Adams, M. Nelson), and Marine Patrol (M. Wyman) from June 9-13, 2022.

condition, pursuant to 12 M.R.S.A § 6072(7-B), that mandates gear removal by May 31 each year, which includes site markers. The lease, if granted, will be issued for a ten-year term.

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

### **C. Proposed Operations**

The applicant proposes to culture sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*), dulse (*Palmaria palmata*), nori/laver (*Porphyra* spp), red seaweed (*Gracilaria tikvahiae*), Irish moss (*Chondrus crispus*), and sea lettuce (*Ulva lactuca*) using suspended culture techniques (App 1-3). The applicant proposes to use seventeen 1,000 linear foot culture lines as well as eleven 160-foot cross-lines, moorings, buoys, depth control weights, and chains/lines (App 5-6).

The applicant anticipates seeding algae from October to December for approximately four days. The applicant expects to tend the site every two weeks during the growing season, weather permitting, or more frequently after storm events. Marine algae will be harvested from late March to June 15, and the algae will be removed from the lines using a knife (App 9-10). The culture lines, cross-lines, and depth control buoys will be removed from the site from June 16 to September 30 each year. The application states moorings (with lines and chains) will remain on-site year-round, however, the mooring buoys will be removed and the lines sunk to the bottom. Lease marker buoys will remain on-site year-round (App 10).

**Table 1.** Power equipment proposed for the lease site

Equipment	Description	Frequency of Use
Power block	Mounted on lobster boat, powered by hydraulics	During harvest
Hauler	Mounted on lobster boat, powered by hydraulics	During harvest

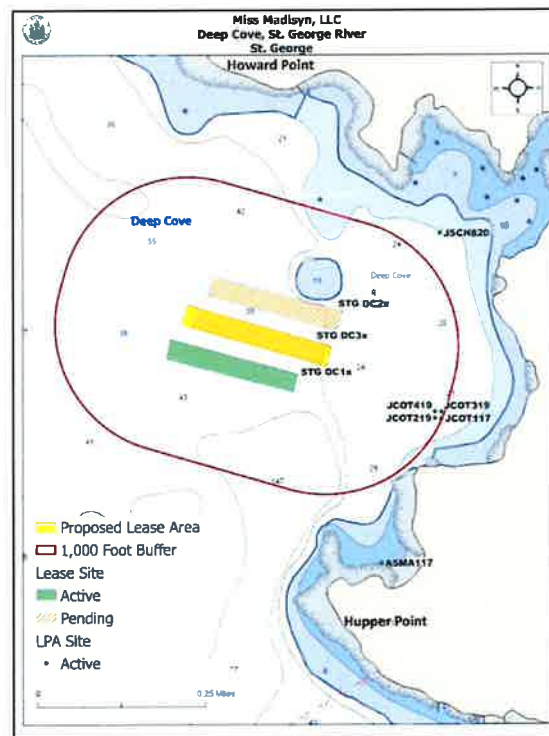
The application states that a lobster boat and skiff will be used on-site for approximately four days during seeding, ten days during harvest, and once every two weeks to tend the site (App 11).

#### **D. Site Characteristics**

**Description.** On October 18, 2023, DMR scientists assessed the proposed lease site. The proposal is located in subtidal waters in Deep Cove, St. George River approximately 1,718 feet to the south of Howard Point at mean low water (MLW). The shoreline of Deep Cove was observed to be rocky with rockweed coverage, forested uplands with residential lawns (SR 2).

Depths were determined to be between approximately 29 to 46 feet at mean low water (MLW). The bottom of the proposed lease site is primarily composed of mud (SR 2).

**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<sup>7</sup>**

<sup>7</sup> 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.

### **3. Legal Criteria and Findings of Fact**

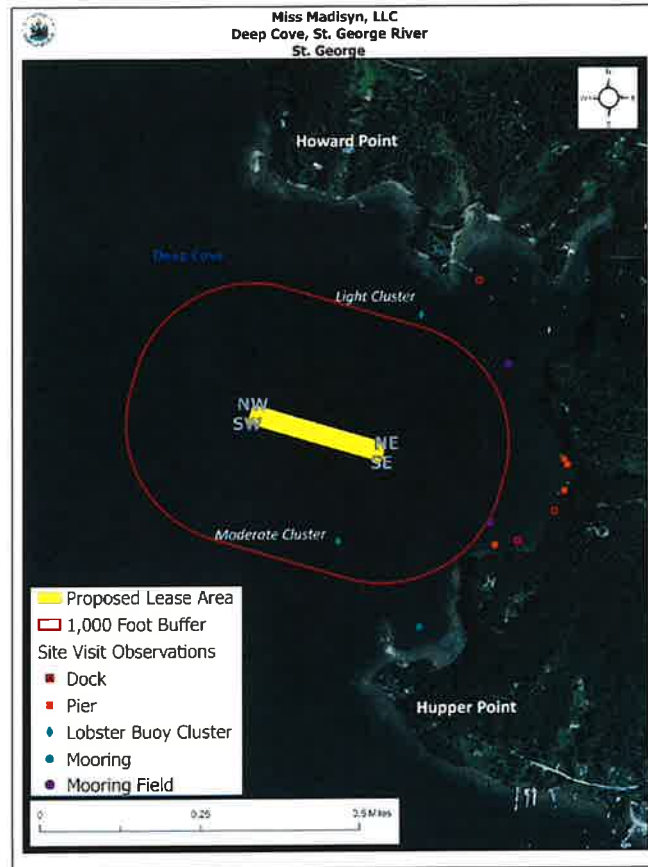
Approval of Standard aquaculture leases is governed by 12 M.R.S.A. §6072 and DMR Regulations, Chapter 2.37. The statute and regulations provide that a lease may be granted by the Commissioner upon determining that the project will not unreasonably interfere with: the ingress and egress of riparian owners; navigation; fishing or other uses of the area; other aquaculture uses of 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, docking facilities, or conserved lands owned by municipal, state, or federal governments. The Commissioner must also determine that the applicant has demonstrated that there is an available source of organisms to be cultured for the lease site; that the lease will not result in an unreasonable impact from noise or light at the boundaries of the lease site; and that the lease will comply with visual impact criteria adopted by the Commissioner.

#### **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(7-A)(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).

The applicant has operated the 3.74-acre experimental lease, STG D3x, within the boundaries of this proposal for over four years. During that time, no issues concerning riparian access have been reported to DMR.

During DMR's site assessment, scientists did not observe any moorings, piers, or docks within 1,000 feet of the proposal. There were two mooring areas observed in Deep Cove. One mooring area contained eight moorings and was located approximately 1,023 feet to the southeast and the other contained 12 moorings and was located approximately 1,189 feet to the northeast of the proposal. There were six piers or docks observed in the eastern end of Deep Cove over 1,150 feet to the east of the proposed lease area, as well as a pier with a dock located approximately 1,542 feet to the north (SR 5)(Figure 2).



**Figure 2.** Proposed lease area with site visit observations.

The completed Harbormaster Questionnaire received by DMR on June 7, 2023, stated that the proposal would not impact riparian ingress and egress (SR 5).

No testimony or evidence was offered at the hearing concerning riparian ingress and egress. Given the distance from the proposed lease to any riparian land and/or structures and the Harbormaster's comment, the proposed lease activities will not impede riparian ingress and egress.

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

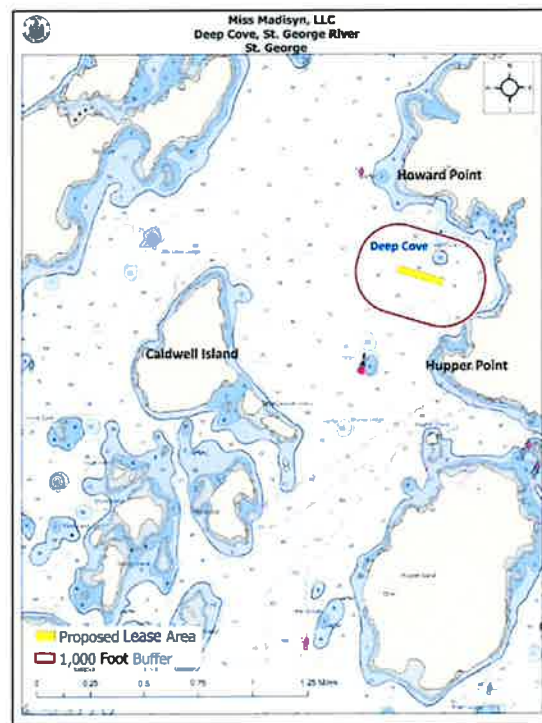
## **B. Navigation**

When examining navigation, the Commissioner considers whether the proposed lease will interfere with navigation. 12 M.R.S.A. § 6072(7-A)(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 in subtidal waters in Deep Cove, which is located near the mouth of the St. George River, approximately 1,718 feet to the south of Howard Point at MLW. The proposal is located approximately 1,130 feet to the east of the primary navigational channel in the area and there is approximately 4,171 feet of navigable water between the proposed lease area and Caldwell Island at the entrance to the St. George River. An additional marked navigation channel located to the west of Caldwell Island also provides access to and from the St. George River (Figure 3). During DMR's site assessment, scientists observed a lobster boat and a large recreational powerboat navigating to the west of the proposal (SR 5)(Figure 3).

The Harbormaster Questionnaire indicated that the proposal would not unreasonably interfere with navigation (SR 5).



**Figure 3.** Charted navigational channels in the vicinity of the proposed lease area.

During the public hearing, no testimony or evidence was offered regarding potential impacts to navigation.

Due to the distance from the proposal to the navigational channel and the depths of the surrounding waters, sufficient distances for navigation remain.

**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(7-A)(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 DMR's site assessment, scientists observed a light cluster of lobster buoys approximately 1,099 feet to the north of the proposal as well as a moderate cluster of lobster buoys located approximately 727 feet to the south (Figure 2). No recreational fishing was observed during the site assessment.

The Harbormaster Questionnaire stated that there is seasonally dependent commercial and recreational fishing within the area of the proposed lease (SR 6).

At the hearing, Greg Morris stated that he is a lobsterman and commercial pogie (menhaden) seiner who seines in the project area. Greg Morris stated that the lease as proposed would not impact fishing in the area because there would not be any gear left on the surface of the water. Greg Morris also stated that the Harbormaster is in favor of sinking the gear, as proposed, to avoid conflicts with seiners and lobstermen (Morris testimony).

A review of compliance with experimental lease conditions demonstrates that menhaden fishing and lobster fishing occur in the area beginning early to mid-June, and that the applicant's past failures to remove all gear and moorings from the area within the timeframes established by the experimental lease has interfered with these fishing activities. While the proposed gear removal and sinking of the lines would lessen the chance of a conflict with commercial fishing, on two occasions these actions have not been taken in a timely manner as required by the experimental lease condition. If the lease is granted it will be conditioned so that all gear, including moorings and site markers are removed by May 31. This to ensure that gear is promptly removed prior to menhaden fishing, and it is clear to fishermen that the area is open to seining and the deployment of lobster traps. With this modification, the proposal will not unreasonably interfere with fishing uses of the area as the area will be free of obstacles during the time period fishing occurs in the area.

**Other Uses.** The application states there is occasional kayaking in the summer months, however, this activity does not occur when the culture lines are in the water (App 16). No evidence or testimony was provided at the hearing concerning other uses in the area. In light of the lease condition requiring removal of gear during peak recreational boating times, and because there would remain ample space for these recreational uses to continue without interference while gear is place, the proposed activities would not interfere with existing recreational uses.

**Therefore**, the aquaculture activities proposed for the site, as modified, 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(7-A), 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).

At the time of the site report, there were three aquaculture leases (STG DC2x, STG DC3x, STG DC1x) and four limited purpose aquaculture (LPA) sites (JCOT117, JCOT219, JCOT319, JCOT419) within 1,000 feet of the proposal. Since the site report was published, STG DC1x has been terminated. STG DC2x was an experimental lease held by Albatross Fisheries. On May 12, 2025, DMR issued an approval decision for a 4.38-acre standard lease (STG DC2) to replace STG DC2x. Experimental lease STG DC3x is held by the applicant of this proposal, Miss Madisyn LLC. The current proposal would replace the existing experimental lease, if granted.

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

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

#### **E. Existing System Support**

When examining the 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(7-A)(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.** DMR scientists utilized a remotely operated vehicle (ROV) to assess the epibenthic ecology of the proposed lease. The relative abundance of epibenthic flora and fauna observed is described below in Table 1.

**Table 3.** Species observed on underwater video footage.

Species Observed	Abundance
Sand shrimp ( <i>Crangon septemspinosa</i> )	Occasional
Winter flounder ( <i>Pseudopleuronectes americanus</i> )	Rare

**Marine Vegetation.** Recent records of seagrass collected by the Maine Department of Environmental Protection (MDEP) in 2023<sup>8</sup> indicate that there is no mapped eelgrass within 1,000 feet of the proposal. The nearest mapped eelgrass is approximately 1,394 feet to the south. DMR scientists did not observe any eelgrass during the site assessment or on underwater video footage.

**Wildlife.** 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), the proposed lease is not within 1,000 feet of Tidal Waterfowl and Wading Bird Habitat (TWWH). The nearest TWWH habitat is located approximately 1,412 feet to the northeast. The nearest bald eagle (*Haliaeetus leucocephalus*) nest is mapped approximately 4,804 feet to the southwest of the proposal.

On June 28, 2023, a Wildlife Biologist with IFW responded by email to a “Request for Agency Review and Comment”, stating that minimal impacts are anticipated.

During DMR’s site assessment, scientists observed a loon (*Gavia immer*), herring gulls (*Larus argentatus*), double-crested cormorants (*Nannopterum auritum*), and a harbor seal (*Phoca vitulina*) in the vicinity of the proposal.

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

The applicant has operated the 3.74-acre experimental lease, STG D3x, within the boundaries of this proposal for over four years. During that time, no issues concerning the existing system support have been reported to DMR.

Based on the record, including the absence of eelgrass and mapped significant wildlife habitats, and the comment from IFW, the proposed lease activities will not interfere with the ecological functioning of the area.

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<sup>8</sup> 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.

**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(7-A)(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, sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*), dulse (*Palmaria palmata*), nori/laver (*Porphyra* spp), red seaweed (*Gracilaria tikvahiae*), Irish moss (*Chondrus crispus*), and sea lettuce (*Ulva lactuca*) would be sourced from Atlantic Sea Farms in Biddeford, Maine (App 2-3). This is currently an approved source for sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), sea lettuce (*Ulva fenestrata*)<sup>9</sup>, and shotgun kelp (*Agarum clathratum*), but not for nori/laver (*Porphyra* spp) or red seaweed (*Gracilaria tikvahiae*).

At the public hearing, the applicant stated that he did not currently have an alternate source for nori/laver (*Porphyra* spp) or red seaweed (*Gracilaria tikvahiae*), but if an approved source became available, he would seek DMR approval (Morris testimony).

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

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

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<sup>9</sup> Atlantic Sea Farms recently modified their land-based aquaculture license to culture *Ulva fenestrata*, a sea lettuce native to the Gulf of Maine, instead of *Ulva lactuca*. In response to a question at the hearing, the applicant confirmed he proposes to culture *Ulva fenestrata* instead of *Ulva lactuca*.

## **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, docking facility or certain conserved lands owned by the Federal Government, the State Government or a municipal governmental agency. 12 M.R.S.A. § 6072(7-A)(F). In determining interference with the public use or enjoyment of conserved lands, the Commissioner shall consider the purpose(s) for which the land was acquired. Chapter 2.37(1)(A)(7)).

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

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

## **H. Light**

When examining light, the Commissioner considers whether the proposed lease will cause an unreasonable impact from light at the boundaries of the lease site. 12 M.R.S.A. §6072(7-A)(G). Compliance with exterior lighting regulations is evaluated along with the requirement that the applicant demonstrate that all reasonable measures will be taken to mitigate light impacts associated with the lease activities. Chapter 2.37(1)(A)(8).

According to the application, deck lights on the boat, facing downward, would be used on the proposed site in cases of emergency (App 12). The use of exterior lighting for emergency purposes is exempt from Chapter 2.37(1)(A)(8) requirements. No other light impacts are anticipated as a result of the proposed activities.

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

## **I. Noise**

When examining noise, the Commissioner considers whether the proposed lease will cause an unreasonable impact from noise at the boundaries of the lease site. 12 M.R.S.A. §6072(7-A)(G). Compliance with noise regulations is evaluated along with the requirement that the applicant demonstrate that all reasonable measures will be taken to mitigate noise impacts associated with the lease activities. Chapter 2.37(1)(A)(9).

According to the application, a lobster boat and a skiff are the only powered equipment proposed for the lease operations (App 12). At the hearing, Greg Morris clarified that hydraulic equipment, namely a power block and hauler mounted on the lobster boat, would be used during harvesting (Morris testimony). Greg Morris stated the vessels would be idling when on-site and that the noise emitted (including the hydraulic equipment) is typical of a lobster boat (Morris testimony). According to the record, lobster boats with power blocks and haulers are commonly operated in the area of the proposed lease (SR 5); therefore, the noise produced by the proposed activities would be consistent with existing uses in the area and would not result in unreasonable impacts.

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

#### **J. Visual Impact**

When examining visual impact, the Commissioner must determine that the proposed lease is in compliance with visual impact criteria relating to color, height, shape and mass. 12 M.R.S.A. § 6072(7-A)(H). Compliance with visual impact regulations including building profiles, height limitations, roof and siding materials and color are evaluated. Chapter 2.37(1)(A)(10).

In response to a question from DMR at the hearing, the applicant confirmed that if the project is approved, all surface gear, excepting corner marker and exterior boundary buoys, will comply with the approved colors so anything that is currently proposed as yellow, red, or white will either be gray, black, brown, blue, or green (Morris testimony). Lease sites must be marked in accordance with Chapter 2.80 of DMR's regulations, which specify that marker buoys must be yellow in color. If the lease is granted, the holder would be responsible for complying with these marking requirements.

**Therefore,** the lease site as proposed will comply with DMR's visual impact criteria.

#### **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, as modified, will not unreasonably interfere with fishing or other uses, 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, docking facilities, or certain conserved lands owned by federal, state, or municipal government.
- g. The applicant has demonstrated that there is an available source for sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), sea lettuce (*Ulva fenestrata*), and shotgun kelp (*Agarum clathratum*) to be cultured for the lease site. The applicant has failed to demonstrate an available source of stock for nori/laver (*Porphyra* spp) or red seaweed (*Gracilaria tikvahiae*) to be cultured for the lease site.
- h. The aquaculture activities proposed for this site will not result in an unreasonable impact from light at the boundaries of the lease site.
- i. The aquaculture activities proposed for this site will not result in an unreasonable impact from noise at the boundaries of the lease site.
- j. The aquaculture activities proposed for this site, as modified, will comply with the visual impact criteria contained in DMR Regulation 2.37(1)(A)(10).

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

## **5. Decision**

Based on the foregoing, the Commissioner grants a Standard lease to Miss Madisyn, LLC for 4.43 acres for ten years for the cultivation of sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail/fingered kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), sea lettuce (*Ulva fenestrata*), and shotgun kelp (*Agarum clathratum*) using suspended culture techniques. The lessee shall pay the State of Maine rent in the amount of \$100.00 per acre per year. The lessee shall post a bond or establish an escrow account pursuant to Chapter 2.40(2)(A) in the amount of \$5,000.00, conditioned upon performance of the obligations contained in the aquaculture lease documents and all applicable statutes and regulations.



## **6. 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) and Chapter 2.37(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 shall be incorporated into the lease:

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

## **7. Revocation of Lease**

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

Dated: 11.10.25

  
\_\_\_\_\_  
Carl J. Wilson, Commissioner  
Department of Marine Resources

## **Appendix**

### **Granted Lease Coordinates – 4.43 Acres**

<u>Corner</u>	<u>Latitude</u>	<u>Longitude</u>
NW	43.94268°	-69.27679° then 1,160.5 feet at 106° True to
NE	43.94179°	-69.27256° then 165.8 feet at 194° True to
SE	43.94135°	-69.27272° then 1,163.0 feet at 287° True to
SW	43.94224°	-69.27696° then 166.5 feet at 17° True to NW

**STATE OF MAINE  
DEPARTMENT OF MARINE  
RESOURCES**

**Miss Madisyn  
STG DC3x**

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

October 10, 2019

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION**

Miss Madisyn applied to the Department of Marine Resources (“DMR”) for a three-year experimental aquaculture lease located in Deep Cove, St. George River, St. George, Knox County. The proposed lease is 3.74<sup>1</sup> acres and is for the suspended cultivation of sugar kelp (*Saccharina latissima*), skinny kelp<sup>2</sup> (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), and laver (*Porphyra* sp.). DMR accepted the application as complete on April 19, 2019. No requests for a public hearing were received during the comment period, and no hearing was held.

**1. THE PROCEEDINGS**

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

Two other applications for the suspended culture of marine algae in Deep Cove, St. George River, St. George, Knox County were received by DMR one day before and on the same day as the

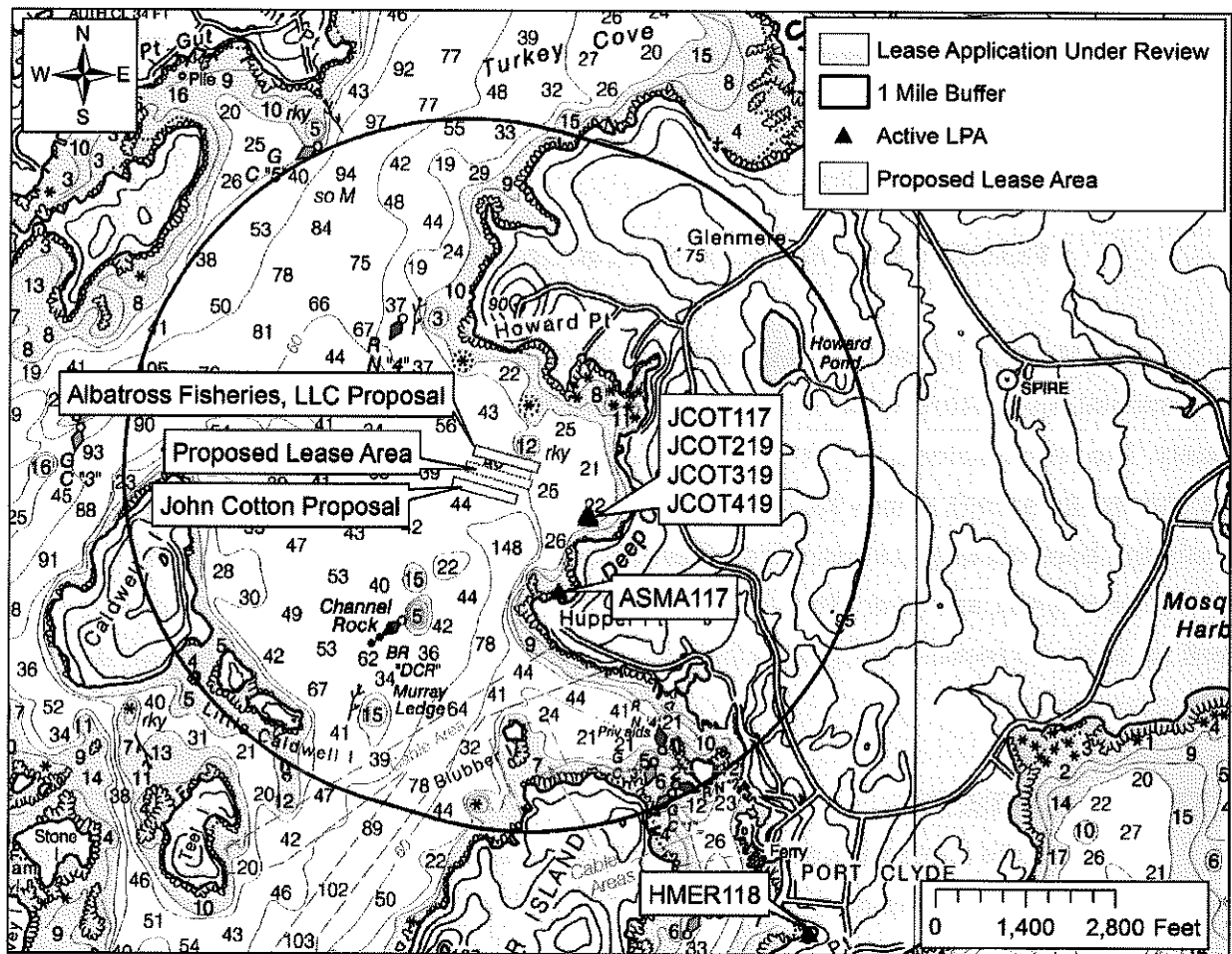
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<sup>1</sup> Applicant requested 4 acres. DMR calculations indicate the area is 3.74 acres

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

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

application from Miss Madisyn<sup>4</sup>. Figure 1 shows the location of each of these applications and identifies other existing aquaculture activity in the area.



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

## **2. DESCRIPTION OF THE PROJECT**

### **A. Proposed Operations**

The purpose of the proposed experimental lease site is to determine the viability of a commercial seaweed operation (App 4). The applicant is proposing to culture marine algae from October to June, annually, and intends to culture marine algae on 1,000-foot horizontal lines suspended 7 feet below the surface of the water. There would be 14 longlines in total, spaced 10 feet apart (App 23). Longlines, depth control lines and buoys, and concrete weights would be

<sup>4</sup> Application by John Cotton received on April 1, 2019 and deemed complete by DMR on April 18, 2019. Application by Albatross Fisheries, LLC received on April 1, 2019 and deemed complete by DMR on April 19, 2019.

removed by mid-June, while 32 cement moorings and associated mooring lines and buoys are proposed to remain onsite through the year (App 11, SR 2). The applicant has proposed to have a significant amount of gear (moorings, and associated lines and buoys) remaining on site year-round so the impact of these activities could be felt all year, not just in the winter when growing occurs.

## **B. Site Characteristics**

The proposed lease occupies subtidal waters in Deep Cove in the St. George River. Port Clyde Harbor is to the southeast (SR 2). The shoreline along Deep Cove is rocky and leads to steep uplands. Houses, docks, and moorings are present to the north, east and south of the proposed site. Caldwell and Little Caldwell Islands are to the southwest (SR 2). During DMR's site visit on August 1, 2019, depths at the corners of the propose site ranged from 38.2 feet to 54.2 feet. When correcting for tidal variation, depths are approximately 0.5 feet higher at the nearest high water, and 9.1 feet lower at mean low water (SR 5).

## **3. STATUTORY CRITERIA & FINDINGS OF FACT**

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

### **A. Riparian Access**

During DMR's site visit, houses, docks and moorings were observed along the Deep Cove shoreline (SR 6). The closet observed mooring was approximately 970 feet to the southeast of the proposed site, and the closest observed dock was 1,180 feet to the southeast. During the review period, DMR did not receive any comments from riparian owners. The Harbormaster for the Town of St. George indicated that the proposed lease would not interfere with the ability of riparian owners to get to and from their properties.<sup>5</sup> Based on the lack of public comments, and

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<sup>5</sup> CF: Harbormaster Questionnaire signed May 14, 2019

because the proposed site is located over 900 feet from any dock or mooring, it is reasonable to conclude that there are no concerns regarding the effects the proposed lease may have on riparian ingress and egress. It appears from this evidence that riparian ingress and egress will not be unduly affected by the proposed application.

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

## **B. Navigation**

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

The proposed lease is in an area of the St. George River known as Deep Cove (SR 7). During the site visit, powerboats and kayaks were observed navigating within Deep Cove, and it is likely the area experiences some vessel through-traffic as Deep Cove is located between Port Clyde Harbor and the rest of the St. George River (SR 7). Longlines will be removed from the area during the summer months when vessel traffic is likely the heaviest, however, the applicant has proposed that 32 moorings and mooring balls will remain on the site year-round (App 11). Navigable waters remain between the proposed lease and nearby shorelines at mean low water, so it is likely boats will be able to continue to navigate through the area without impediment (SR 7). However, it is possible vessels will avoid the area due to the 32 mooring balls that are proposed to remain on site year-round (SR 7). While DMR considers applications in the order they were deemed complete, two other applications of a similar nature, also within Deep Cove, were received one day before, and on the same day as the application from Miss Madisyn.<sup>6</sup> When considered together, it could result in more than 90 moorings remaining in the area year-round. Whether lobstermen, boaters, or others might avoid the area due to the presence of the moorings is unknown (SR 8). According to the application, kayaking occurs in the area during summer months (App 8). The Harbormaster questionnaire for this application, as well as from the harbormaster questionnaire for the application submitted by Albatross Fisheries LLC., noted that the presence of over 90 moorings in the area could have minimal impact.<sup>7</sup> If the proposed lease is

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<sup>6</sup> Application by John Cotton received on April 1, 2019 and deemed complete by DMR on April 18, 2019. Application by Albatross Fisheries, LLC received on April 1, 2019 and deemed complete by DMR on April 19, 2019.

<sup>7</sup> CF for application from Miss Madisyn: Harbormaster Questionnaire signed May 14, 2019

granted, to ensure the lease does not interfere with navigation, DMR will require that all gear be removed from the water between June 15<sup>th</sup> and October 1<sup>st</sup> of each year. Conditions reflecting this requirement will be included in the lease.

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

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

### **C. Fishing & Other Uses**

**Fishing.** During DMR's site visit on August 1, 2019 heavy lobstering was observed to the west of the proposed lease site, and light to moderate fishing activity was observed within Deep Cove (SR 8). Lobster buoys were observed within the boundaries of the proposed lease site, but a higher density of buoys was observed closer to shore in Deep Cove, off Howard Point (SR 8). According to the St. George Harbormaster, seasonal lobstering occurs within the area of the lease, but that generally no lobstering will occur during the time of the growing season for the proposed lease activities.<sup>8</sup> The applicant proposes to deploy longlines on the site from early October through mid-June, while 32 cement moorings and associated lines and buoys would remain on site year-round (App 15). Whether lobstermen might avoid the area in the summer months due to the proposed moorings is unknown, however no comments were received regarding the impact the proposed lease may have on fishing.

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

As discussed in the navigation section of this document, should the lease be granted, DMR will require that all gear, including moorings and lines, must be removed from the water between June 15<sup>th</sup> and October 1<sup>st</sup> each year. As such, the proposed aquaculture activities should not

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<sup>8</sup> CF: Harbormaster Questionnaire signed May 14, 2019

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

<sup>10</sup> CF: Harbormaster Questionnaire signed May 3, 2019

interfere with any lobstering or other fishing that may occur in the area during the summer months.

No public comments were received regarding fishing. Given the absence of public comments expressing concern regarding interference with fishing, and the comments from the Harbormaster for the Town of St. George it is reasonable to conclude that there are no concerns about the effects the proposed site may have on commercial or recreational fishing. It appears from the evidence, with the condition described above, that the proposed lease is unlikely to unreasonably affect commercial and recreational fishing activities in the area.

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

**Other aquaculture uses.** There are 5 Limited Purpose Aquaculture (LPA) licenses within one mile of the proposed lease (SR 8).<sup>11</sup> The closest aquaculture activities to the proposed site are 4 LPA licenses<sup>12</sup> held by John Cotton for the suspended culture of shellfish (SR 8). These LPA licenses are approximately 955 feet east of the proposed site.

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

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

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

#### **D. Flora & Fauna**

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

<sup>12</sup> JCOT117, JCOT219, JCOT319, JCOT419

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

Historical eelgrass data collected by DMR indicated that, in 2005, the nearest eelgrass to the proposed lease was 1,370 feet southeast of the proposed site. The proposed aquaculture activities for this site are unlikely to shade or disrupt these eelgrass beds (SR 10).

Data maintained by the Maine Department of Inland Fisheries and Wildlife (MDIFW) indicated that the proposed lease is located approximately 1,420 feet to the south of Tidal Wading Bird and Waterfowl Habitat, which is defined under Maine's Natural Resource Protection Act as Significant Wildlife Habitat (SR 9). The proposed lease is 3,590 feet northeast of a ¼ mile buffer associated with a bald eagle (*Haliaeetus leucocephalus*) nest (SR 9). DMR sent a copy of the application to MDIFW for their review and comment. MDIFW indicated that "minimal impacts to wildlife are anticipated."<sup>14</sup>

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

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

#### **E. Public Use & Enjoyment**

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

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

#### **F. Source of Organisms**

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

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

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

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



#### **4. CONCLUSIONS OF LAW**

Based on the above findings, I conclude that:

1. The aquaculture activities proposed for this site will not unreasonably interfere with the ingress and egress of any riparian owner.
2. Given the conditions related to gear deployment, the aquaculture activities proposed for this site will not unreasonably interfere with navigation.
3. Given the conditions related to gear deployment, the aquaculture activities proposed for this site will not unreasonably interfere with fishing or other uses of the area, taking into consideration the number and density of aquaculture leases in the area.
4. The aquaculture activities proposed for this site will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.
5. The aquaculture activities proposed for this site will not unreasonably interfere with the public use or enjoyment within 1,000 feet of beaches, parks, or docking facilities owned by municipal, state, or federal governments.
6. The applicant has demonstrated that there is an available source of stock to be cultured for the lease site.

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

#### **5. DECISION**

Based on the foregoing, the Commissioner grants the requested experimental lease of 3.74 acres to Miss Madisyn, 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 lessee<sup>16</sup>; however, no aquaculture rights shall accrue in the lease area until the lease is fully executed.

This lease is granted to the lessee for the cultivation of sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail kelp (*Laminaria digitata*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), and laver (*Porphyra sp.*) using suspended culture techniques. The lessee shall pay the State of Maine rent

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<sup>16</sup> 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.”

in the amount of \$100.00 per acre per year. Since this is an experimental lease with more than 400 sq. ft. of structures and no discharge, a bond or escrow account is required. The lessee shall post a bond or establish an escrow account pursuant to DMR Rule 2.64 (10) (s) in the amount of \$5,000.00, conditioned upon performance of the obligations contained in the aquaculture lease documents and all applicable statutes and regulations.

## **6. CONDITIONS TO BE IMPOSED ON LEASE**

The Commissioner may establish conditions that govern the use of the lease area and impose limitations on aquaculture activities, pursuant to 12 MSRA §6072-A (15)<sup>17</sup>. Conditions are designed to encourage the greatest multiple compatible uses of the lease area, while preserving the exclusive rights of the lessee to the extent necessary to carry out the purpose of the lease.

The following conditions shall be incorporated into the lease:

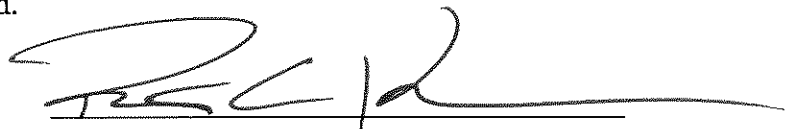
1. The lease site must be marked in accordance with both U.S. Coast Guard requirements and DMR Rule 2.80.
2. All gear, including moorings and lines, must be removed from the water between June 15<sup>th</sup> and October 1<sup>st</sup> each year.
3. Due to possible interactions with gear, dragging, and other forms of commercial fishing are prohibited within the boundaries of the proposed lease site from October 1<sup>st</sup> through June 1<sup>st</sup> when longlines are present on the site. Vessels that draw over 5 feet are prohibited from travelling through the lease site between October 1<sup>st</sup> and June 1<sup>st</sup>.

## **7. REVOCATION OF EXPERIMENTAL LEASE**

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

Dated: \_\_\_\_\_

10/10/19



Patrick C. Keliher, Commissioner  
Department of Marine Resources

<sup>17</sup> 12 MRSA §6072-A (15) provides that:

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

