

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

**Norumbega Oysters Inc.
DAM PPN**

Standard Aquaculture Lease Renewal
Suspended and bottom culture of shellfish
Damariscotta River, Newcastle

Findings of Fact, Conclusions of Law, and Decision

Norumbega Oysters Inc. (“Norumbega”) applied to the Department of Marine Resources (DMR) to renew the aquaculture lease DAM PPN for a period of twenty years. The 7.37-acre lease is located northeast of Perkins Point in the Damariscotta River in the Town of Newcastle in Lincoln County and is for the purpose of cultivating American/Eastern oysters (*Crassostrea virginica*), European oysters (*Ostrea edulis*), surf/hen clams (*Spisula solidissima*), blue sea mussels (*Mytilus edulis*), bay scallops (*Argopecten irradians*), and sea scallops (*Placopecten magellanicus*), using suspended and bottom culture techniques.

This lease was originally granted on July 12, 1994, for a ten-year term, to Hog Island Shellfish, Inc. On June 24, 2004, the lease was renewed for a ten-year term. On November 16, 2010, the lease was transferred from Hog Island Shellfish, Inc to Norumbega for the remainder of the 10-year term. The lease was renewed on July 12, 2014, for a ten-year term. On October 17, 2022, DMR approved a request by Norumbega to expand the site by 1.39 acres to allow for additional suspended gear for culturing oysters. The lease expired on July 11, 2024.

1. Proceedings

DMR deemed the renewal application complete on May 6, 2024. Notice of the 30-day public comment period and opportunity to request a public hearing was published in *The Lincoln County News* on May 16, 2024. Notice was also provided to the Town of Newcastle, riparian landowners within 1,000 feet of the site, and other state agencies, and sent to subscribers of DMR’s aquaculture email list-serve. On May 16, 2024, DMR sent a Municipal Questionnaire to the Town of Newcastle, 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 23, 2024. The record closed on June 15, 2024. The Maine Department of Inland Fisheries and Wildlife (IFW) submitted a comment during the comment period. Matthew White, an attorney representing a group of riparian landowners within 1,000 feet of the site submitted a comment and hearing request during the comment period.

In accordance with 12 M.R.S.A. § 6072(12) that was in effect in May 2024, DMR has the discretion to hold a public hearing unless it received 10 or more requests for a public hearing during the comment period.¹ The comment received by Matthew White stated that the riparian landowners are “generally supportive of Norumbega’s aquaculture facility” [meaning DAM PPN] but that they “place a high value on the quiet and undisturbed setting the riverfront provides...” The letter detailed that the landowners are concerned about “unnecessarily high levels of noise, especially music emanating from the leased area.” The letter requested that music stop being played and alleged that the use of noise-generating equipment was not in compliance with current regulatory requirements intended to mitigate noise. The letter also included a hearing request “to the extent further context would be helpful in advancing the mutual interests of all stakeholders.”²

The comment received from Matthew White prompted DMR to evaluate the type of noise generating equipment authorized on the lease. DMR undertook a comprehensive review of the record associated with DAM PPN including documents responsive to the original processing of the lease application. DAM PPN was initially granted in 1994 and has been in operation for over 30 years. During this timeframe, the lease has been renewed and transferred. Additionally, in that timeframe, many of DMR’s aquaculture laws and regulations have changed. In 2003, DMR’s lease decision criteria were updated to require that a lease will not have an unreasonable impact on noise or light at the boundaries of the lease site. The change also required DMR to adopt rules to establish noise criteria, which were adopted in 2004. Based on a review of the record associated with DAM PPN, DMR determined that there was not a clear authorization or description of noise generating activities that may occur on DAM PPN nor was it clear how the 2003 statutory changes and associated regulatory requirements may have been applied to the existing site.

This made it impossible to determine whether the lease was authorized for noise generating equipment, and if so, what equipment is authorized and how noise may be mitigated. DMR gave Norumbega the opportunity to provide any additional information they may have had related to authorizations concerning the noise generating activities on the site and any support structures used in their operation. Norumbega responded that they did not have any records responsive to these matters.

Given the record pertaining to the lease, the length of time the lease has been in operation, and the concerns raised by Matthew White, DMR determined it would require Norumbega to file a lease amendment for all noise-generating equipment on the site. The lease amendment process would help clarify

¹ On June 20, 2025, LD 1722 was signed into law as emergency legislation, P.L. 2025, ch. 389 (emergency, effective June 20, 2025), which modified 12 M.R.S.A. § 6072(12), so that lease renewals are no longer adjudicatory proceedings (i.e. public hearings are no longer held on renewal applications). Notice of this renewal application was processed prior to P.L. 2025, ch. 389 taking effect.

² CF: Letter from M. White to DMR dated May 14, 2024.

the extent of existing noise generating activities, provide opportunity for public feedback concerning those activities, and allow DMR to review the current noise generating activities in consideration of existing laws and regulations. Therefore, on November 18, 2024, DMR gave Norumbega until January 18, 2025, to submit a complete lease amendment application, which was required to include all noise generating equipment and any support structures.

On November 18, 2024, DMR also sent a letter to Matthew White stating that DMR elected not to hold a public hearing on the renewal application. DMR clarified that playing music on a lease site is not an activity DMR evaluates or otherwise authorizes as part of aquaculture operations. DMR explained that if loud music is being played on the site, the riparian landowners should contact local law enforcement. The letter also stated that DAM PPN was initially granted in 1994 and in the 30 years since the site was initially granted it had been transferred and renewed twice, and there had been a significant number of changes to the laws and rules governing aquaculture leases. In consideration of those factors, DMR stated that Norumbega would be required to file an amendment application detailing the noise generating aquaculture equipment and the amendment process would provide an opportunity for public comment on those matters. On January 15, 2025, Norumbega filed an amendment application which was subsequently deemed complete on February 14, 2025.³

On June 20, 2025, LD 1722 was enacted, amending 12 M.R.S.A. § 6072(12). Among other changes, the amendment modified lease renewals, so that lease renewals are no longer adjudicatory proceedings, and public hearings are not required for lease renewals. LD 1722 applied to all lease renewal applications pending at the time of enactment, including this application.

In consideration of LD 1722, DMR elected to re-notice any pending lease renewal applications that had received one or more requests for a public hearing. DMR made this decision in recognition that individuals who previously requested a hearing may not have submitted their full comments under the assumption that a hearing would later be held. As this renewal application received one hearing request, it was noticed a second time. Notice of the 30-day public comment period was published in *The Lincoln County News* on October 2, 2025. Notice was also provided to the Town of Newcastle, riparian landowners within 1,000 feet of the site, and other state agencies, and sent to subscribers of DMR's aquaculture email list-serve. On October 2, 2025, DMR sent a Municipal Questionnaire to the Town of Newcastle, 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 Bernard DeLisle, Deputy Harbormaster, on October 8, 2025.

³ Matthew White, representing the landowners, filed a comment on the amendment request, which expressed support for DMR requiring that Norumbega submit an amendment application to describe the gear and equipment being used.

The record closed on November 1, 2025. On November 4, 2025, DMR received a comment from Matthew White, who stated the comment was filed late due to administrative errors. Matthew White requested that in consideration of the administrative errors, DMR exercise its discretion and consider accepting the late filed comment. DMR reviewed the comment and determined that it was very similar to the comment filed during the initial comment period in May 2024 and that it was received three days after the close of the comment period. Therefore, DMR did not accept the comment and communicated this determination to Matthew White.

2. Statutory Criteria

Aquaculture lease renewals are governed by 12 M.R.S.A. § 6072(12) and by DMR's rules in Chapter 2.45,⁴ which provide that an aquaculture lease shall be renewed if: the Commissioner receives a timely application for renewal that includes information on the type and amount of aquaculture to be conducted during the new lease term; the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 1,000 acres; and the lease is not being held for speculative purposes.

A. Timeliness and Contents of Renewal Application

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

This renewal application was timely submitted under the law both as it was in effect when the application was deemed complete and after the enactment of P.L. 2025, ch. 389. DAM PPN was set to expire on July 11, 2024. DMR received the application for renewal of DAM PPN on April 9, 2024, 93 days before the expiration date. The renewal application was incomplete and requests for more information were made by DMR. The application was deemed complete on December 23, 2024.

⁴ 13-188 C.M.R. ch. 2, § 2.45.

DMR applies the date the renewal application was initially received, not the date it was deemed complete, for purposes of timeliness under 12 M.R.S.A. § 6072(12)(A). The renewal application was received 93 days before the expiration of the lease, which satisfies the statute both in its current form and in the version that was in effect when the application was submitted.

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

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

B. Compliance with Lease Agreement

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

Violations of lease agreement.

The lease was most recently issued for a ten-year term beginning on July 12, 2014, through July 11, 2024. DMR reviewed available compliance records during that timeframe. In 2021 and 2022, DMR had to follow-up with the lease holder as the annual bond on DAM PPN had expired. The lease holder provided updated bonds and on March 31, 2025, secured an escrow agreement for DAM PPN in lieu of annual bonds. The lease holder is also current with annual rent and has made timely payments over the term of the lease.

As detailed in Section 1 of this decision on May 14, 2024, for the first time during the prior term of the lease, Matthew White filed a comment alleging that the lease holder was not following regulations governing mitigation requirements for noise generating equipment and that loud music was being played on the lease site. For reasons specified in Section 1 of this decision, matters related to the use of noise generating aquaculture equipment will be addressed through the pending lease amendment process. With respect to the allegation regarding loud music, DMR clarified that such activity is not authorized through the leasing process and advised that any concerns specific to the playing of loud music be directed to local law enforcement.

The lease was previously issued for a ten-year term beginning on July 12, 2014, through July 11, 2024. Although DMR notified the holder in 2021 and 2022 that their annual bond was not current, the matter was promptly addressed, and the holder subsequently secured an escrow agreement in lieu of

securing an annual bond. In addition, on May 14, 2024, Matthew White submitted a comment alleging, for the first time, that Norumbega was not in compliance with regulations intended to mitigate noise impacts. DMR is actively addressing that concern through the lease amendment process. The holder was never found to be in violation of the lease agreement during the prior term.

Source of organisms to be cultured.

The renewal decision for DAM PPN dated October 20, 2014, includes approval for American oysters (*Crassostrea virginica*), European oysters (*Ostrea edulis*), surf/hen clams (*Spisula solidissima*), bay scallops (*Argopecten irradians*), blue mussels (*Mytilus edulis*), and sea scallops (*Placopecten magellanicus*). There are currently approved sources for American oysters, surf/hen clams, bay scallops, and blue mussels. Chapter 24.10(4)(F) identifies all coastal Maine waters as a restricted area for European oysters. Shellfish from restricted areas are presumed to carry infectious disease, pests or parasites unless an applicant produces sufficient evidence to rebut this assumption including demonstration that the shellfish to be imported, introduced, or possessed have been raised in a closed-system hatchery free of the infectious or contagious diseases found in the coastal waters of the restricted area.

There are currently no approved hatcheries for European oysters and based on the record, the lease holder has not submitted sufficient evidence to support the possession of European oysters. There are also no approved hatcheries for sea scallops, so the lease holder must demonstrate that they have the appropriate license or plan to source sea scallops from the wild or other aquaculture sites. The lease holder has not demonstrated that they have the appropriate license or plan to secure sea scallops. Therefore, European oysters and sea scallops are removed as an authorized species for DAM PPN. If the lease holder wishes to cultivate European oysters or sea scallops in the future, they would need to apply for a species amendment demonstrating that they have an available source of stock.

Lease conditions.

The following condition was part of the lease renewal decision dated October 20, 2014:

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

According to DMR's 2024 and 2025 inspection records, the lease was not marked according to Chapter 2.80 requirements. However, according to DMR records, the lease holder is working to address this issue and ensure that the site is marked in accordance with Chapter 2.80 requirements. Over the prior term of the lease, DMR did not find that the lease holder violated the lease condition.

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

C. Best Interest of the State of Maine

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

On May 23, 2024, DMR received a Municipal Questionnaire completed by the Harbormaster stating that there were no concerns with the site. On May 31, 2024, DMR received a comment from IFW stating that “minimal impacts to wildlife are anticipated.”⁵ For the reasons specified in section 1, the renewal application was noticed a second time and on October 8, 2025, DMR received another questionnaire from the Deputy Harbormaster indicating that there were no concerns with the site. DMR did not receive any other comments concerning new or existing uses of the area. Based on the record, renewal of the lease would not result in conflicts with new or existing uses of the area.

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

D. Aggregate Lease Holdings

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

According to DMR records, Norumbega holds the following leases:

Lease Acronym	Acreage
DAM HIS	1.90
DAM PPN	7.37
DAM DU	6.01
DAM MIx	3.95
DAM MIx2	2.76

The total acreage leased by Norumbega if this renewal is approved would be 21.99 acres.

Therefore, DMR finds that the renewal of this lease will not cause Norumbega to lease more than 1,000 acres.

⁵ CF: Email from E. Robinson to DMR

E. Speculative Purposes

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

The renewal application states that American oysters were cultivated on the lease site, during the prior term, using bottom and suspended culture techniques. The application also states that American oysters were harvested from the site during the previous lease term. Based on the record, aquaculture activities occurred on the site during the previous lease term.

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

3. Conclusions of Law

Based on the above findings, DMR concludes that:

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

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

4. Lease Conditions

The Commissioner may establish conditions that govern the use of the lease area and impose limitations on aquaculture activities, pursuant to 12 M.R.S.A. § 6072(7-B). Conditions are designed to encourage the greatest multiple compatible uses of the lease area, while preserving the exclusive rights of the lessee to the extent necessary to carry out the purposes of the lease. The following condition was part of the lease renewal decision dated October 20, 2014:

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

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

5. Decision

The Commissioner grants the application of Norumbega Oysters, Inc. to renew their aquaculture lease DAM PPN for a period of 20 years. The renewed lease is subject to the same terms, conditions, and obligations as set forth in the original lease, except as modified by this decision.

6. Revocation of Lease

The Commissioner may commence revocation procedures upon determining, pursuant to 12 M.R.S.A. § 6072(11) that no substantial aquaculture has been conducted within the preceding year, that the lease activities are substantially injurious to marine organisms or public health, or that any of the conditions of the lease or any applicable laws or regulations have been violated.

Dated: _____

9.29.2026



Carl J. Wilson, Commissioner,

Department of Marine Resources

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
Aquaculture Lease Expansion
Damariscotta River, Newcastle

Norumbega Oysters, Inc
DAM PPN

A. SUMMARY

Norumbega Oysters, Inc applied to the Department of Marine Resources (DMR) to expand their existing standard aquaculture lease DAM PPN, located northeast of Perkins Point in the Damariscotta River in the town of Newcastle, Lincoln County, Maine. DAM PPN is 5.98 acres in size and the expansion request is for an additional 1.39 acres¹. Pursuant to 12 M.R.S.A §6072 (12-C) a leaseholder may apply to expand the area of their lease by up to 25%, but not by more than 4 acres.

B. PROCEEDINGS

The expansion application was deemed complete on March 4, 2022. DMR provided notice of the application and the 30-day public comment period to the town of Newcastle, and other state and federal agencies. As part of the request for review, DMR sent a Harbormaster Questionnaire to Bernard Delisle, Newcastle Deputy Harbormaster. The questionnaire requests local information about how the proposed expansion may affect navigation, fishing, and other considerations related to the decision criteria. Mr. Delisle completed the questionnaire on April 19, 2022. Maine Department of Inland Fisheries and Wildlife (MDIFW) provided comment on March 22, 2022. No other municipal representatives or other state and federal agencies provided comment.

Notice was also provided to all riparian landowners within 1,000 feet of the existing site and proposed expanded area. Notice of the application and comment period was published in the *Lincoln County News* on March 17, 2022. DMR did not receive any comments from members of the public on this proposal. DMR scientists visited the proposed expansion site on June 2, 2022 and published an expansion site report on August 29, 2022. The evidentiary record before DMR regarding this expansion application includes the exhibits listed below.

Exhibits²

1. Application for a lease expansion deemed complete March 4, 2022
2. Expansion case file for DAM PPN³
3. Expansion Site Report dated August 29, 2022

C. ORIGINAL LEASE DECISION and PROPOSED EXPANSION

This lease was originally granted on July 12, 1994 and a transfer of the lease from Hog Island Shellfish, Inc to Norumbega Oysters, Inc was granted on November 16, 2010 for the remainder of the 10

¹ The application requests 1.45 acres, but the coordinates provided in the application overlap with the active lease DAM PPN. Therefore, DMR adjusted the proposed SW and SE corners slightly (<20 feet) to intersect with the boundary of DAM PPN and then calculated the acreage of the revised expansion area as 1.39 acres.

² These sources specific to the expansion are cited, with page references, as App (Application), CF (case file), and SR (site report). Other materials referenced in the case file not specific to the expansion are cited to expressly in-text.

³ The original case file dates back to 1994 with original lease decision held by a different company. The lease was transferred to Norumbega Oysters, Inc in 2010 and renewed by Norumbega Oysters, Inc in 2014. Materials predating the expansion case file will be cited expressly in-text.

year term expiring on July 11, 2014. The lease was renewed on July 12, 2014 for a period of ten years for the purpose of cultivating American/Eastern oysters (*Crassostrea virginica*), European oysters (*Ostrea edulis*), surf/hen clams (*Spisula solidissima*), blue sea mussels (*Mytilus edulis*), bay scallops (*Argopecten irradians*), and sea scallops (*Placopecten magellanicus*), using suspended and bottom culture techniques. The current lease expires on July 11, 2024 (DAM PPN Renewal Decision, 2014).

The application indicates that an additional 1.39 acres would be used for additional suspended culture of oysters (App 2 and 8)⁴. The expanded area, if granted, would be seeded March through June. Bags and cages are periodically harvested and the seed would be sorted for various sizes and then redeployed back into bags and cages (App 8).

FINDINGS, CONCLUSIONS OF LAW, & DECISION on AQUACULTURE LEASE EXPANSION

Pursuant to 12 M.R.S.A §6072 (12-C)(E), a lease expansion may be granted by the Commissioner upon determining that it would satisfy the criteria set forth in 12 M.R.S.A. §6072 (7-A). Pursuant to these criteria, an expansion may be granted by the Commissioner 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 the number and density of aquaculture leases in an 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, 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 lights at the boundaries of the lease site; and that the lease will comply with visual impact criteria adopted by the Commissioner. The following discussion, findings, and conclusions are based on the Department's consideration of the information contained in the application, as well as other information relevant to the decision criteria.

D. FINDINGS

1. Riparian Access:

DMR did not receive any comments from riparian landowners concerning the proposed expansion. DMR's site report noted that there are three moorings, in addition to the mooring presumably associated with the applicant, and two docks near the proposed expansion, with the closest mooring approximately 90 feet north of the expansion and the closest dock located approximately 570 feet from the western boundary (SR 2)⁵. According to the site report, it is unlikely that a vessel consistent with the size and type of vessel typically observed on moorings in the Damariscotta River would swing into the proposed expansion area. At certain tidal stages and in inclement weather, access to and use of this mooring may be more difficult due to the proximity of the proposal, if it were granted, especially for vessels under sail (SR 8). In his responses to the Harbormaster questionnaire, Mr. Delisle indicated that the proposal would not impact the ability of riparian landowners to access their property. Because no comments were submitted and the proposed expansion may alter course but would not obstruct access to the moorings and docks in the area, the proposal does not unreasonably interfere with riparian access.

Based on this evidence, it is unlikely that the proposed expansion will unreasonably interfere with riparian ingress and egress.

⁴ The application pdf page numbering starts with 2 printed on the page. Citations will use the page printed on the page of the document, rather than the page number in the pdf page count.

⁵ The application and Harbormaster questionnaire state 70 feet and 75 feet, respectively, to the closest mooring (App 10). Actual distance will vary based on wind, current, and tidal stage.

2. Navigation:

The Harbormaster indicated that the main navigation channel is east of the proposed expansion site and that the proposed site would not interfere with access to the two recreational moorings to the north. DMR's expansion site report also notes that the proposed expansion is unlikely to interfere with navigation to the west at low tide as this area is naturally obstructed by exposed mudflats (SR 8). DMR did not receive any public comments regarding navigation. Because the proposed site does not overlap with the main navigation channel and does not prevent access to the moorings, the proposal will have no unreasonable effect on navigation in the area.

Based on this evidence, it is unlikely the proposed expansion will unreasonably interfere with navigation in the area.

3. Fishing and other water related uses:

Mr. Delisle, Deputy Harbormaster, indicated that no recreational or commercial fishing occurs in the proposed site. The site report stated no commercially important species and no commercial fishing were observed during the visit (SR 9). DMR did not receive any public comments regarding fishing or other water-related uses of the area.

Other Aquaculture Leases:

There are several aquaculture sites within the general vicinity of DAM PPN and the proposed expanded area. The two closest aquaculture sites to the proposed expanded area are both standard leases. The lease, DAM PP2, is held by Mook Sea Farms, Inc. and is currently pending renewal; it is located ~875 feet to the south of the proposed expanded area. The standard lease, DAM HI5, is held by Dodge Cove Marine Farm, LLC and is located ~750 feet from the eastern boundary of the proposed expanded area. DMR did not receive any comments from these lease holders or any other aquaculturists in the area about the proposed expansion.

Based on the evidence, it is unlikely the proposed expansion will interfere with fishing or other uses of the area, including existing aquaculture leases in the area.

4. Flora and Fauna:

DMR sent a copy of the application to the MDIFW for their review, and a wildlife biologist provided comment that the project would have minimal impacts on wildlife. Based on historical survey data, there are no mapped eelgrass beds within or near the proposed expanded area.⁶ No ecologically significant flora or fauna were observed in the video transect during DMR's visit to the proposed expansion (SR 9). No comments were received to indicate there is a concern about the proposed expansion and impact to flora and fauna in the area.

It is unlikely that the proposed expansion will unreasonably interfere with significant wildlife habitat and marine habitat or with the ability of the site and surrounding marine and upland areas to support ecologically significant flora and fauna.

5. Public Use:

There are no public docking facilities, beaches, parks, or conserved lands owned by the municipal, state, or federal government within 1,000 feet of the proposed expansion.

Based on this evidence, it is unlikely that the proposed expansion will unreasonably interfere with public docking facilities, beaches, parks, or conserved lands owned by the municipal, state, or federal government.

⁶ 2010 Coast-wide eelgrass survey completed by DMR. For a complete description visit: <https://maine.maps.arcgis.com/home/item.html?id=25d11cbf476944bc8dc985d2454d01d6>

6. Source of Organisms:

The applicant sources seed stock from Muscongus Bay Aquaculture, which is an approved hatchery by DMR. Therefore, the applicant has demonstrated that there is an available source of stock to be cultured for the lease site.

7. Light:

The application indicates that no lights are proposed for the expanded area (App 8). Therefore, the lease expansion will not result in an unreasonable impact from lights at the boundaries of the proposed area.

8. Noise:

The application indicates that the proposed expanded area would not result in an increase in noise (App 8). Therefore, the lease expansion will not result in an unreasonable impact from noise at the boundaries of the proposed area.

9. Visual Impact:

The gear bags and cages are black. Therefore, the proposed expansion complies with the Department's visual impact criteria set forth in Chapter 2.37(1)(A)(10).

10. Conditions:

The Commissioner may establish conditions that govern the use of the lease area and impose limitations on aquaculture activities. The conditions imposed on lease DAM PPN, pursuant to 12 M.R.S.A § 6072 (7-B) and located on page 3 of the 2014 renewal decision, are as follows:

1. The lease site must be marked in accordance with both U.S. Coast Guard requirements and DMR Rule 2.80.

Since the expanded area will be combined with the existing lease, all conditions associated with DAM PPN would apply to the expanded area.

A. CONCLUSIONS OF LAW

Based on the above, I conclude that:

- a. The aquaculture activities proposed for this expansion will not unreasonably interfere with the ingress and egress of any riparian owner.
- b. The aquaculture activities proposed for this expansion will not unreasonably interfere with navigation.
- c. The aquaculture activities proposed for this expansion will not unreasonably interfere with fishing or other uses of the area, taking into consideration other aquaculture leases in the area.
- d. The aquaculture activities proposed for this expansion will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.
- e. The aquaculture activities proposed for this expansion will not unreasonably interfere with the public use or enjoyment within 1,000 feet of beaches, parks, docking facilities, or conserved lands owned by municipal, state, or federal governments.
- f. The applicant has demonstrated that there is an available source of stock to be cultured for the lease site.
- g. The aquaculture activities proposed for this expansion will not result in an unreasonable impact from light at the boundaries of the expanded area.

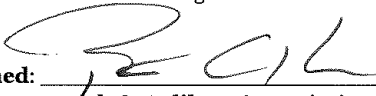
- h. The aquaculture activities proposed for this expansion will not result in an unreasonable impact from noise at the boundaries of the expanded area.
- i. The aquaculture activities proposed for this expansion will comply with the visual impact criteria contained in DMR Regulation 2.37(1)(A)(10).

Accordingly, the application and other information supports the conclusion that the proposed aquaculture activities meet the requirements for the granting of an aquaculture lease expansion as specified in 12 M.R.S.A §6072 (12-C).

DECISION

Based on the foregoing, the Commissioner grants the requested lease expansion of 1.39 acres to Norumbega Oysters, Inc. The expanded area is for suspended culture only and will be combined with the existing lease DAM PPN to total 7.37 acres and will expire on July 11, 2024. The lessee shall pay the State of Maine rent in the amount of \$100.00 per acre per year. If necessary, the lessee shall post a bond or establish an escrow account that reflects the expanded acreage pursuant to DMR Rule 2.40 (2)(A), conditioned upon performance of the obligations contained in the aquaculture lease documents and all applicable statutes and regulations.

Signed: _____



**Patrick C. Keliher, Commissioner
Maine Department of Marine Resources**

Date: _____

10/17/22

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

Aquaculture Lease Renewal Application
Suspended and bottom culture of shellfish,
Damariscotta River, Newcastle, Lincoln County

Norumbega Oysters, Inc.
DAM PPN

Docket Number 2014-07-R
October 20, 2014

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

Norumbega Oysters, Inc. applied to the Department on April 30, 2014 to renew the aquaculture lease, DAM PPN, for a period of ten years to July 10, 2024. The 5.98 acre lease is issued for bottom and suspended culture of American/eastern oysters (*Crassostrea virginica*), European oysters (*Ostrea edulis*), surf/hen clams (*Spisula solidissima*), blue sea mussels (*Mytilus edulis*), bay scallops (*Argopectin irradians*), and sea scallops (*Placopecten magellanicus*) located in the Damariscotta River, Newcastle, Lincoln County, Maine. This lease was originally granted July 12, 1994 and a transfer of a lease from Hog Island Shellfish Inc. to Norumbega Oysters Inc. was granted on November 16, 2010 for the remainder of the 10 year term expiring on July 11, 2014.

1. PROCEDURE

Notice of the application for lease renewal and the 30-day public comment period and opportunity to request a public hearing was published in the *Lincoln County News* on May 15, 2014 and again on June 5, 2014. Notice was also published in the June 2014 *Commercial Fisheries News*. Personal notice was given to the municipality and to riparian landowners within 1,000 feet of the lease site. No comments and no requests for a hearing on this application were received by the Department during the comment period.

2. STATUTORY CRITERIA

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and by Chapter 2.45 of the Department's rules, which provide that an aquaculture lease shall be renewed if: the lessee has complied with the lease agreement during its term; the Commissioner determines

that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 1,000 acres; and the lease is not being held for speculative purposes.

A. Compliance with lease

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

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

B. Best interest of the State of Maine

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

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

C. Aggregate lease holdings

According to DMR records, the total lease acreage held by lessee, including this lease, DAM PPN, consisting of 5.98 acres, will not exceed 1,000 acres.

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

D. Speculative purposes

Rule 2.45 provides that in considering whether a lease is being held for speculative purposes, the Department must consider "whether the current lessee has conducted substantially no research or aquaculture in the lease areas during the previous lease term." It is clear from

annual reports filed with DMR by the lessee and by the statement of the lessee on the renewal application that aquaculture has been conducted on this lease site.

THEREFORE, I FIND that the lease is not for speculative purposes.

3. LEASE CONDITIONS

The following conditions are carried over from the original lease and will apply to the renewed lease premises:

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

4. DECISION

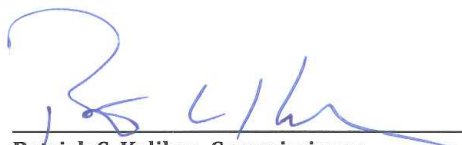
The Commissioner of Marine Resources grants the application of Norumbega Oyster Inc. to renew its aquaculture lease, DAM PPN for a period of ten years to July 10, 2024. The renewed lease is subject to the same terms, conditions, and obligations as set forth in the original lease, except as modified by this decision.

5. REVOCATION OF LEASE

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

Dated: _____

10/20/14



Patrick C. Keliher, Commissioner
Department of Marine Resources