

## STANDARD LEASE APPLICATION: NON-DISCHARGE

### 1. APPLICANT CONTACT INFORMATION

Applicant	John Cotton, Shawn Thomas, Devil's Apron Sea Farm, LLC		
Contact Person	John Cotton		
Address	P.O. Box 227, 121 Horse Point Road		
City	Port Clyde		
State, Zip	Maine, 04855		
County	Knox		
Telephone	207-593-6885, 207-372-8610		
Email	<a href="mailto:lcotton885@gmail.com">lcotton885@gmail.com</a>		
Type of Application	<input checked="" type="checkbox"/> Draft Application <small>[submitted before scoping session session]</small>		<input type="checkbox"/> Final Application <small>[submitted after scoping session]</small>
Dates	Pre-Application Meeting: 10.4.22	Draft Application Submitted: 10.6.22	Scoping Session:
Payment Type	Draft Application: <input type="checkbox"/> Check (included) <input checked="" type="checkbox"/> Credit Card		Final Application: <input type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card

**Note:** The email address you list here will be the primary means by which we will contact you. Please provide an email address that is checked regularly. If you do not use email, please leave this blank.

### 2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	St. George
Waterbody	End of St. George River
General Description (e.g. south of B Island)	Deep Cove, west of Port Clyde
Lease Information	
Total acreage requested (100-acre maximum)	5.74
Lease term requested (20-year maximum)	20
Type of culture (check all that apply)	<input type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom)
Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Note:** If you selected yes, you need to complete the steps outlined in the section titled: "19. Landowner/Municipal Permission Requirements".

### 3. GROWING AREA DESIGNATION

Directions: Information for growing area designations can be found here:

<https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>

Growing Area Designation (e.g. WL):	WU – open approved
Growing Area Section (e.g. “A1”):	

**Note:** If you are proposing to grow molluscan shellfish in waters classified as anything other than open/approved, you will need to contact the Bureau of Public Health to discuss your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

### 4. SPECIES INFORMATION

A. Please complete the table below and add additional rows as needed.

Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock or juveniles	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1. Sugar kelp ( <i>Saccharina latissima</i> ), Skinny kelp ( <i>Saccharina angustissima</i> ), Winged kelp ( <i>Alaria esculenta</i> ), Horsetail kelp ( <i>Laminaria digitata</i> ), Dulse ( <i>Palmaria palmata</i> ), Irish Sea Moss ( <i>Chondrus crispus</i> ), Laver ( <i>Porphyra</i> ), Sea Lettuce ( <i>Ulva lactuca</i> ), Shotgun kelp ( <i>Agarum cribosum</i> )	Summit Point LLC  116 Dartmouth Street  S. Portland, ME 04106	120,000 lbs + or -
2.		
3.		
4.		
5.		

B. Do you intend to possess, transport, or sell whole or roe-on scallops?  Yes  No

**If you answered “yes”** please contact the Bureau of Public Health to discuss your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

**Note:** If you are proposing to grow molluscan shellfish, this application also serves as your written operational plan as required in the National Shellfish Sanitation Program (NSSP) Model Ordinance Chapter 2 and must be maintained in your files. If you wish to submit an operational plan separate from this application, please contact: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

## 5. VICINITY MAP

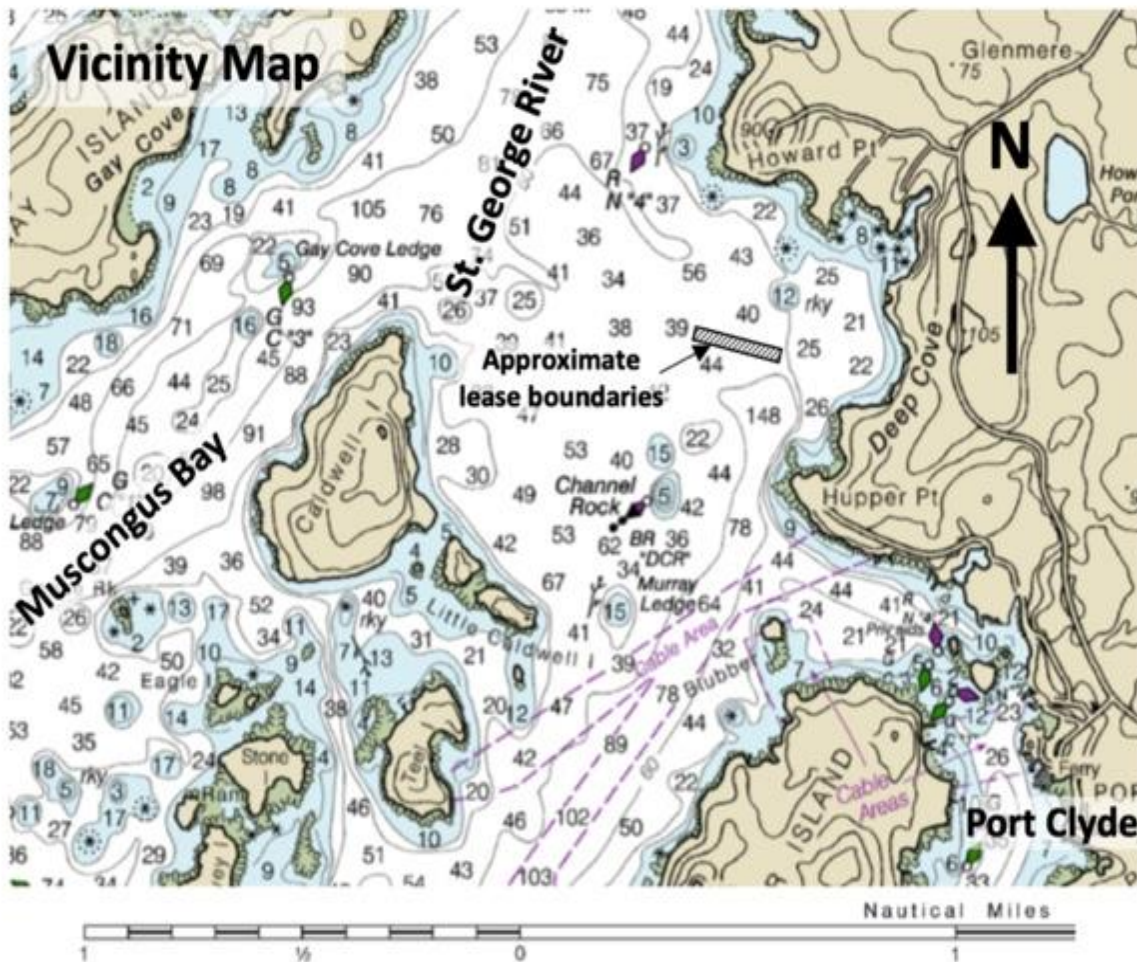
**Note:** Please label as: 'Vicinity Map'.

**Directions:** Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the proposed lease site.

The map needs to display the following:

- The waters, shore lands, and lines of mean high and mean low water within the general area of the lease
- An arrow indicating true north
- A scale bar
- The approximate lease boundaries

## 5. VICINITY MAP



## 6. BOUNDARY DRAWING

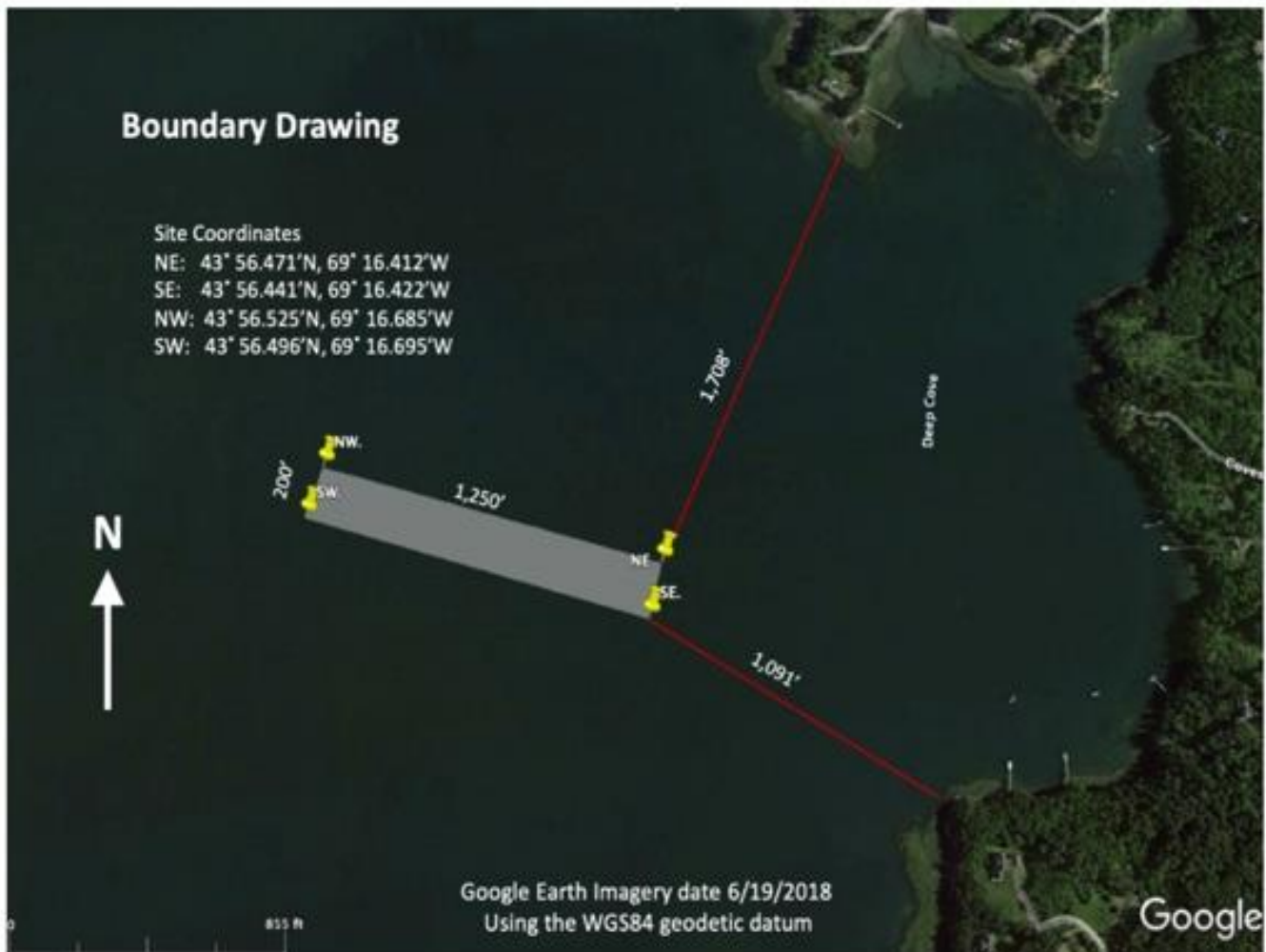
**Note:** Please label as: 'Boundary Drawing'.

**Directions:** Depict the boundaries of the proposed lease site. Provide a drawing with all corners, directions, and distances labeled. Provide coordinates for each corner as follows:

- Coordinate Description

Provide geographic coordinates for each corner of the lease site in latitude and longitude as accurately as possible (e.g., to the nearest second or fraction of a second). Identify the datum from the map, chart, or GPS unit used to develop these coordinates. The datum will be shown on the map or chart you are using. The Coordinate Description may be provided separately from the Boundary Drawing.

## 6. BOUNDARY DRAWING



## 7. SITE DEVELOPMENT

**Directions:** If your operations require the use of cages, nets, ropes, trays, or any object (structure) other than the organism to be grown directly on the bottom or buoys to mark the corners of the lease site, you must submit gear drawings and maximum structure schematics (information below). This section is intended to provide accurate plans depicting the physical structures to be placed in the proposed area. All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in). If you are proposing a bottom lease (no gear), please skip to question “F. Marking”.

**Note:** You may embed the schematics within the document or attach them to the end of your application. If you attach the schematics, please label them according to the instructions provided below.

### A. Gear Information

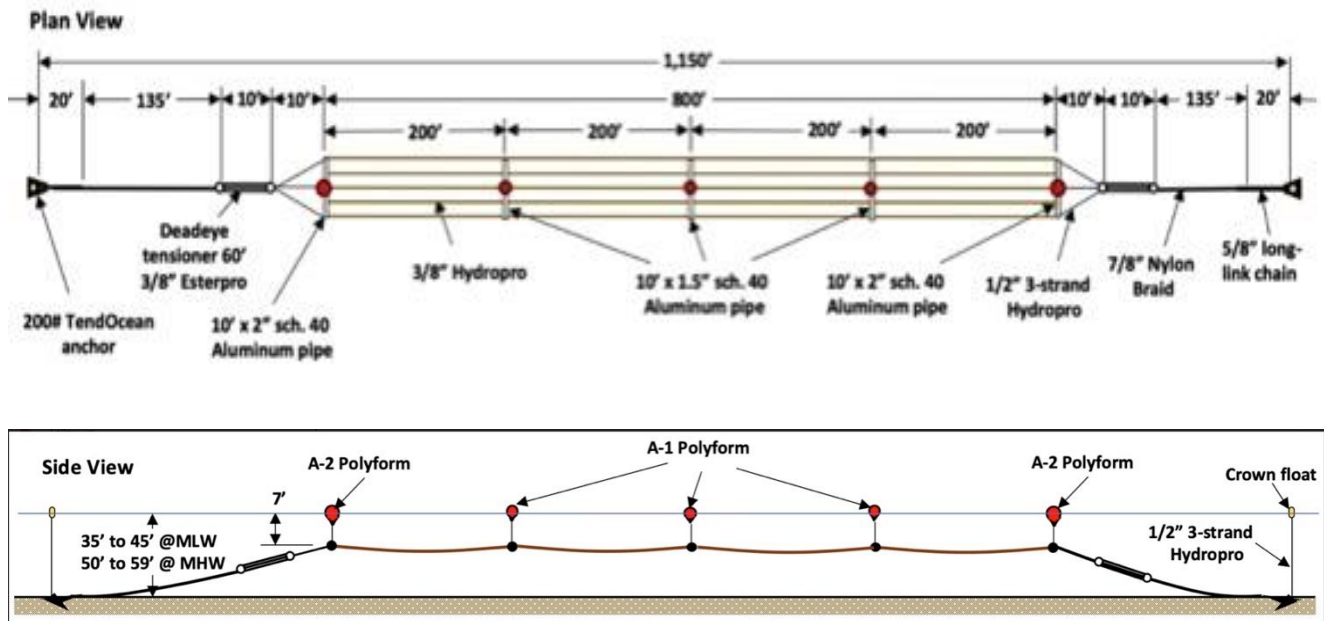
**Directions:** Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. Include units referenced (i.e. 10in, 10ft, etc.).

See Appendix 2 for photographs – corresponding to the GEAR Table below.

We plan to deploy nine 5-line spreader bar arrays, each portrayed in the plan and side views below.

#### 1. Gear Drawing:

##### 1. Gear Drawing:



2. Gear Table: List and describe each individual gear type that you will use in the table below. (e.g. polar circles, marine algae longline, oyster cages, moorings, mooring lines, buoys, etc.).

<b>Specific Gear Type</b> <i>(e.g. soft mesh bag)</i>	<b>Dimensions</b> <i>(e.g. 16''x20''x2)</i>	<b>Time of year gear will be deployed</b> <i>(e.g.</i>	<b>Maximum amount of this gear type that will be deployed on the site</b> <i>(i.e. 200 cages, 100 lantern nets, etc.)</i>	<b>Species that will be grown using this gear type</b>
<p>Nine TendOcean™ 5-line arrays, each including:</p> <ol style="list-style-type: none"> <li>1. Two 200# TendOcean™ dual-shank plow anchors</li> <li>2. Two 20' lengths of 5/8" Galv. Chain</li> <li>3. Two 135' lengths of 7/8" nylon braided line</li> <li>4. Two TendOcean™ deadeye tensioning systems</li> <li>5. Two sets of 1/2" Hydropro spreader-bar bridles</li> <li>6. Two 10'-long TendOcean™ aluminum end spreader bars</li> <li>7. Twenty 200' lengths of 3/8" Hydropro growlines</li> <li>8. Three 10'-long TendOcean™ aluminum mid-span spreader bars</li> <li>9. Two A-2 polyform buoys and bridles</li> <li>10. Three A-1 polyform buoys and bridles</li> <li>11. Two crown buoys marking each anchor</li> </ol>	<p>Overall length of each array 1,150'</p> <p>Overall width of each array 10'</p>	<p>Earliest deployment November 1.</p> <p>Latest removal June 15.</p>	<ol style="list-style-type: none"> <li>1. 18 200# TendOcean™ dual-shank plow anchors</li> <li>2. 18 20' lengths of 5/8" Galv. Chain</li> <li>3. 18 135' lengths of 7/8" nylon braided line</li> <li>4. 18 TendOcean™ deadeye tensioning systems</li> <li>5. 18 sets of 1/2" Hydropro spreader-bar bridles</li> <li>6. 18 10'-long TendOcean™ aluminum end spreader bars</li> <li>7. 45,000' of 3/8" Hydropro growlines</li> <li>8. 27 10'-long TendOcean™ aluminum mid-span spreader bars</li> <li>9. 18 A-2 polyform buoys and bridles</li> <li>10. 27 A-1 polyform buoys and bridles</li> <li>11. 18 crown buoys marking each anchor</li> </ol>	<ol style="list-style-type: none"> <li>1. Sugar kelp (<i>Saccharina latissima</i>),</li> <li>2. Skinny kelp (<i>Saccharina angustissima</i>),</li> <li>3. Winged kelp (<i>Alaria esculenta</i>),</li> <li>4. Horsetail kelp (<i>Laminaria digitata</i>),</li> <li>5. Dulse (<i>Palmaria palmata</i>),</li> <li>6. Irish Sea Moss (<i>Chondrus crispus</i>),</li> <li>7. Laver (<i>Porphyra</i>),</li> <li>8. Sea Lettuce (<i>Ulva lactuca</i>),</li> <li>9. Shotgun kelp (<i>Agarum cribosum</i>)</li> </ol>





**C. On-Site Support Structures**

1. Describe structures such as barges, sheds, etc., to be located on-site. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc.

There won't be any structures.

2. Describe the storage and use of oil, gasoline, or other hazardous materials on site. If petroleum products are to be stored on site, provide a spill prevention plan.

There will be no hazardous materials.

**D. Gear Color**

Provide the color of the gear and structures proposed to be used at the lease site.
The site will be marked in accordance with DMR regulations. There will be red + green poly balls and white buoys.

**E. Equipment Layout**

Provide schematic or photographic renderings of the generalized layout of the equipment as depicted from two vantage points on the water. Provide the locations of the two vantage points.

**F. Marking**

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? In part, this requires marker buoys which clearly display the lease ID and the words SEA FARM to be located at each corner of the lease. Effective January 1, 2023, marker buoys need to be yellow and host reflective material. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered no, explain why and suggest alternate markings.

**Note:** If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard Regulations contact: 1<sup>st</sup> Coast Guard District, Aids to Navigation Office ((617)-223-3293).

## 8. PRODUCTION ACTIVITIES

**Directions:** If you are cultivating more than one species, you will need to provide the following information for each species. Please attach additional pages if needed.

**A.** Please explain your proposed seeding activities. What months will seeding occur and how often will you be onsite to seed during this time.

The earliest date for seeding would be November 1. Seeding should take 5-7 days.

**B.** Please explain your proposed tending/maintenance activities.

Checking growth of seaweed, also lines for tightness and age – make sure buoys are working correctly.

**C.** How frequently will you visit the site for routine tending/maintenance (i.e. flipping cages, etc.)?

Checked weekly, at a minimum.

**D.** Describe the harvesting techniques you will use. If you plan on using a drag, please provide the dimensions.

Using a lobster boat and small skiff to harvest kelp and remove lines.

**E.** How often will you be at the site during harvesting periods?

Every day, weather permitting, until harvest is complete. Late March thru June 1.

**F.** Will gear be on the site year-round?  Yes  No

**G.** Describe any overwintering or “off season” plans for the site. For example, will you remove gear from the site and/or deploy gear in different areas within the proposed site? Please include where gear or product will be located if removed from the site.

All gear will be removed by June 15.

**H.** Please provide details on any predator control techniques you plan to employ.

N/A

I. Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. In order to comply with the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), DMR is requiring that applications for the suspended culture of shellfish include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds at the proposed site. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Submerging suspended gear and associated product at a depth sufficient to deter roosting for two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- The site is proposed for the culture of seed only
- The site is proposed for the culture of adductor-only scallops (i.e. no other shellfish species would be grown on the site)
- Proposed gear would always be suspended below the surface of the water at a depth sufficient to deter roosting (i.e. as is common for scallop lantern nets)

Kelp is grown in a minimum of 7' below the surface so there will be no problems.

## 9. NOISE AND LIGHT

**Directions:** If a question does not pertain to your proposed operations, please write “**not applicable**” or “N/A”.

A. What type of boats will be used on the site? When and how often will these vessels be on the site?

A lobster boat and small skiff will be used on site only during the day. Weather permitting; as needed.

**B.** What type of powered equipment (e.g. generator, power washer, grading equipment, barges, etc.) will be used on the site? When and how often will the equipment be used?

Just the lobster boat and small skiff.

**C.** Specify how you intend to reduce noise levels from the boats and other powered equipment.

The boat will be run at idle most of the day and won't be any louder than other boats fishing.

**D.** Provide the number, type (whether fixtures are shielded), wattage and location of lights, other than those used for navigation or marking, that will be used at the proposed lease site.

2 1000 watt LED lights on lobster boat

**E.** Indicate under what circumstances you might work at your site beyond daylight hours.

Only for emergency repair of the farm.

## 10. CURRENT OPERATIONS

**Directions:** If a question does not pertain to your proposed operations, please write “**not applicable**” or “N/A”.

**A.** Describe your existing aquaculture operations, including the acronyms of all active leases and/or licenses.

I have 4 LPAs for oysters and an experimental lease for kelp.  
Kelp: STGDC1X  
Oysters: JCOT117, JCOT219, JCOT319, JCOT419

**B.** What are your plans for any existing leases and/or Limited Purpose Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or LPA licenses be relinquished if the lease is granted? If so, please indicate which ones.

I will continue to grow oysters on my LPAs and I will relinquish STGDC1X if this lease is approved.

## 11. ENVIRONMENTAL CHARACTERIZATION

**Directions:** Using your knowledge of the area, describe the environment of the proposed lease site. Be sure to include units of measurement in your answers (i.e. feet, cm/s).

**A.** What are the approximate depths at mean low water?

38 - 40 feet MLW

**B.** What are the approximate depths at mean high water?

50 - 59 feet MHW

**C.** Provide the approximate current speed and direction during the ebb and flow.

1-2 knots and the tide moves approximately NW SE

<p><b>D.</b> The following questions (D.1 through D.6) may be answered in writing or by submitting a video. If you plan to submit a video, please contact the Department prior to video collection.</p>
<p><b>1.</b> What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?</p>
<p>The site has a completely muddy bottom.</p>
<p><b>2.</b> Describe the bottom topography (flat, steep rough, etc.).</p>
<p>Flat.</p>
<p><b>3.</b> Describe marine organisms by species or common names. Based on your personal observations or other sources of information, are these species abundant, common, or rare?</p>
<p>Lobsters are common at the site during summertime and small crabs and flounder may be present year-round in small quantities. Very few, if any urchins are present.</p>
<p><b>4.</b> Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</p>
<p>No shellfish beds or fish migration routes.</p>
<p><b>5.</b> Describe the presence and extent of submerged aquatic vegetation, i.e. eelgrass, within the proposed lease area. Please include the date of this observation along with the method of observation. If submerged aquatic vegetation is observed, please also describe the abundance below and sketch the limits of the beds in the vicinity map.</p>
<p>No eelgrass is mapped one observed within the proposed lease site as observed by multiple dives in recent years.</p>



6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)

The adjacent shoreline is rocky and the upland is forested. There are a few summer homes along Deep Cove.

E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?

Yes  No

**Note:** The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

*If a project is located within an Essential Habitat*, applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator ([John.Perry@maine.gov](mailto:John.Perry@maine.gov), phone: 207-287-5254) prior to application submission.

## 12. EXISTING USES

A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year c) frequency and d) proximity to the lease site for each existing use.

### 1. Commercial Fishing

Lobster fishing takes place at the site from June thru early October, no fishing occurs at the site at the time from seeding to harvest (November 1 to June 15). There is no scalloping at the site. Because of the boom of pogie fishing in the summer, all gear will be removed from the site from June 15 – November 1.

### 2. Recreational Fishing

No recreational fishing occurs at the site.

**3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)**

The primary channel is approximately 1500 to the west of lease site. Boat traffic that does exist is primarily boats with less than 5 foot draft. These can travel directly over the farm. Very little traffic occurs during growing season.

**4. Ingress and egress (i.e. coming and going) of shorefront property owners within 1,000 feet of the proposal (e.g. docks, moorings, landing boats on shore, etc.)**

There are none.

**5. Other uses (kayaking, swimming, etc.)**

Kayaking does occur during summer but none during the growing season.

**B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from the proposed lease.**

No.

**C. Are there public beaches, parks, docking facilities or federally, state, or municipally conserved lands within 1,000 feet of the proposed lease site? If yes, please describe and include approximate distances from proposed lease.**

No.

**D.** Are there any Limited Purpose Aquaculture (LPA) licenses or aquaculture leases within 1,000 feet of your proposed lease site? If yes, please list their acronyms below.

Current and pending aquaculture leases and active LPA licenses may be found here: <https://www.maine.gov/dmr/aquaculture/leases/index.html>

About 110' NW is STGDC3X  
About 400' NW is STGDC2X

### 13. EXCLUSIVE USE

If your lease is granted, what activities would you request be excluded from occurring within the boundaries of the lease site? In your answer please address applicable commercial and recreational fishing, boating activities, and other activities you listed in the 'Existing Uses' section of this application.

As long as longlines are in place, from November 1 – June 15, I request the prohibition of lobster traps, dragging of any kind, or other commercial form of fishing that could potentially entangle or otherwise harm the gear or seaweed growing at the site. Additionally, I request any boat traveling through the lease site have a draft of less than 5' when longlines are present. For the remainder of the year, I welcome any activity at the site as long as it did not interfere with moorings left at site.

## 14. RIPARIAN LANDOWNERS AND SITE ACCESS

A. If your lease is within 1,000ft of shorefront land (**which extends to mean low water or 1,650 ft. from shore, whichever is less, according to NOAA charts**), the following supporting documents are required:

1. A labeled copy of a tax map(s) depicting the location of the proposed lease site and including the following elements:
  - Label the map “Tax Map: Town of (name of town).”
  - Legible scale
  - Tax lot numbers clearly displayed
  - The boundaries of the proposed lease
2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000ft of the proposed lease site. Have the tax collector or clerk of the municipality certify the list. Refer to the riparian determination guidance document to ensure all riparian landowners are included:  
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>

*Note:* When the application and riparian list are both ready to be submitted, you may choose to email a copy of the riparian list and proposed lease coordinates to [DMRAquaculture@maine.gov](mailto:DMRAquaculture@maine.gov) for staff to verify that all required parcels are included on the list *before* having it certified by the municipality. DMR will not verify a riparian list multiple times, so please ensure there will be no additional changes to the application before emailing the riparian list for verification.

3. If any portion of the site is intertidal, you need to complete the steps outlined in the section titled: “19. Landowner/Municipal Permission Requirements”.

**B.** Will your access to the lease area be across riparian land?

Yes     No

**Note:** If you selected yes, you will need to complete the landowner permission requirements included in “19. Landowner/Municipal Permission Requirements” of this application.

**C.** How will you access the proposed site?

Access will be from Bean’s Lobster wharf in Port Clyde.

**D.** How will your proposed activities affect riparian ingress and egress?

N/A

**RIPARIAN LANDOWNER LIST**

*\*THIS LIST MUST BE **CERTIFIED**\**

On this list, please show the current landowners' names and mailing addresses as listed in the municipal tax records for all riparian shorefront parcels within 1,000 feet of the proposed lease site along with the map and lot number for each parcel. **It is the applicant's responsibility to assemble the information for the Town Clerk to certify.** The Town Clerk only certifies that the information is correct according to the Town's records. Once you have completed the form, ask the Town Clerk to complete the certification section below. If the parcels are within more than one municipality, provide a separate, certified riparian list for each municipality.

**TOWN OF:** \_\_\_\_\_

<b>MAP #</b>	<b>LOT #</b>	<b>Landowner name(s) and address(es)</b>

**Please use additional sheets if necessary and attach hereto.**

**CERTIFICATION**

I, \_\_\_\_\_, Town Clerk for the Town of \_\_\_\_\_ certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## 15. TECHNICAL CAPABILITY

Provide information regarding professional expertise. Attaching resume or documentation of practical experience necessary to accomplish the proposed project would satisfy this requirement.

I have been a commercial fisherman for over 40 years. I own a 43' lobster boat and multiple skiffs. I have fished for ground fish, lobster, and tuna. I have been growing oysters for 5 years.

## 16. FINANCIAL CAPABILITY

### A. Financial Capability

Please provide a letter from a financial institution indicating the applicant has an account in good standing.

**Note:** Any financial information you submit with your application is part of the public record. Please exercise discretion when submitting financial information.

Please see attached letter.

### B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.

Because this is an existing experimental lease, I have already made all equipment purchases needed. Initial costs were over 10,000. Costs going forward will be minimal fuel usage and costs of upkeep on normal wear and tear of my vessels, lease fees plus bond.

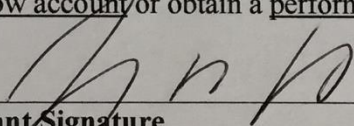
**17. ESCROW ACCOUNT OR PERFORMANCE BOND**

Check the category that describes your operation:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
<input type="checkbox"/>	No gear/structure, no discharge	\$500.00
<input type="checkbox"/>	No gear/structure, discharge	\$500.00
<input type="checkbox"/>	≤ 400 square feet of gear/structure, no discharge	\$1,500.00
<input checked="" type="checkbox"/>	>400 square feet of gear/structure, no discharge	\$5,000.00*
<input type="checkbox"/>	Gear/Structure, discharge	\$25,000.00

\*DMR may increase the bond/escrow requirements for leases with more than 2,000 square feet of structure.

I, (printed name of applicant) JOHN COTTON have read DMR Aquaculture Regulations Chapter 2.64(10) (D) and if this proposed lease is granted by DMR, I will either open an escrow account or obtain a performance bond, in the amount determined by the lease category.

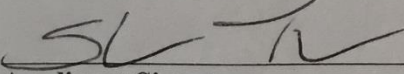
  
**Applicant Signature**

10/5/22  
**Date**

*Note: Add title if signing on behalf of a corporate applicant.*

**ADDITIONAL APPLICANTS:** Each applicant must sign this section indicating that they will open an escrow account or obtain a performance bond. Use the space below for additional persons listed on the application. You may attach additional pages, if necessary.

I, (printed name of applicant) Shawn R. Thomas have read DMR Aquaculture Regulations Chapter 2.64(10) (D) and if this proposed lease is granted by DMR, I will either open an escrow account or obtain a performance bond, in the amount determined by the lease category.

  
**Applicant Signature**

10/5/22  
**Date**

*Note: Add title if signing on behalf of a corporate applicant.*

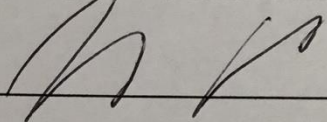
*Note: Add title if signing on behalf of a corporate applicant.*

**18. APPLICANT SIGNATURE PAGE**

I hereby state that the information included in this application is true and correct. I have also read and understand the requirements of the Department's rules governing aquaculture and the application instructions pertaining to the standard lease process.

Printed name: JOHN COTTON

Title (if corporate applicant): \_\_\_\_\_

Signature:  Date: 10/5/22

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

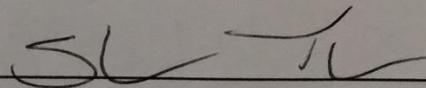
**Note:**

- All applicants must sign and date this page. Please use the space below, if additional signatures are required.
- Corporate applicants, please be sure to include the title(s) (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.

**Additional Applicant:**

Printed name: Shawn R. Thomas

Title (if corporate applicant): \_\_\_\_\_

Signature:  Date: 10/5/22





To Whom It May Concern,

This letter is to inform that we hereby confirm that John E. Cotton is a valued customer of our bank. His banking relationship with us has been ongoing since 2014.

If you have further questions, please do not hesitate to call me at 207-594-9557.

Kind regards,

A handwritten signature in black ink, appearing to read "Nathan Wyman", with a horizontal line extending to the right.

Nathan Wyman  
Personal Banker I  
Bar Harbor Bank & Trust  
245 Camden Street  
Rockland, ME 04841  
Phone: 207-594-9557  
Fax: 207-594-5924  
E-Mail: [nwyman@barharbor.bank](mailto:nwyman@barharbor.bank)

Corporate Headquarters & Bar Harbor Office  
82 Main Street • P.O. Box 400 • Bar Harbor, ME 04609  
Toll Free: 1.888.853.7100 • [www.BarHarbor.bank](http://www.BarHarbor.bank)



Experienced people. Exceptional service.

October 4, 2022

Shawn R Thomas  
PO Box 194  
Port Clyde, ME 04855

Re: Letter of Good Standing

To Whom It May Concern,

This letter is to confirm that Shawn R Thomas is a customer of Machias Savings Bank with all accounts in good standing.

Shawn has been a customer of Machias Savings Bank since December, 2015. Shawn has had several loans with Machias Savings Bank which have all been paid as agreed.

Shawn has held a checking account with Machias Savings Bank since April 2020 which has always remained in good standing.

If you should have any additional questions, please contact me using the information provided below.

Sincerely,

A handwritten signature in blue ink that reads 'Greg S Jones'.

**Gregory S Jones**  
AVP, Business Banker  
3 Glen Street  
Rockland, ME 04841  
Direct: 207-596-5863  
Fax: 207-594-0399  
gjones@machiassavings.com

4 Center Street, PO Box 318 | Machias, ME 04654-0318

(T) 800-339-3347 | (W) machiassavings.com

Member FDIC | Equal Housing Lender

**19. LANDOWNER/MUNICIPAL PERMISSION REQUIREMENTS (if applicable)**

**Directions:** If any portion of the site is intertidal, you need to complete the steps outlined below.

**Step I: Obtain written permission from all intertidal landowners.**

Pursuant to DMR Regulations Chapter 2.10(3)(G) the Department requires *written permission of every owner of intertidal land in, on, or over which the activity will occur*. It is your responsibility to obtain written permission and include it with your application materials. Please note that the Department does not provide forms for landowner permission.

**Step II: Determine if the municipality where your site is located has a shellfish conservation program.**

Pursuant to 12 MRSA §6072(3) *In any municipality with a shellfish conservation program under section 6671, the Commissioner may not lease areas in the **intertidal zone** within the municipality without the consent of the municipal officers.*

If the municipality where the proposed lease site is located has a shellfish conservation program, it is your responsibility to obtain consent for the proposed lease site from the municipal officers (i.e. the selectmen or councilors of the town, or the mayor and aldermen or councilors of a city.) Consent means a majority vote of the municipal officers as recorded in a public meeting.

It is your responsibility to contact the municipality and determine if they have a shellfish conservation program. Best practices would include discussing your plans with shellfish committee members, but only the consent of municipal officers is required.

Does the municipality, where the proposed site is located, have a shellfish conservation program?  Yes  No

**If you answered yes**, please attach documentation from a public meeting demonstrating that a majority of municipal officers have consented to your proposal.



**MAINE DEPARTMENT OF MARINE RESOURCES**

*Aquaculture Division, 21 State House Station, Augusta, ME 04333-0021 (207) 624-6567*

**CORPORATE APPLICANT FORM  
For Standard and Experimental Aquaculture Lease Applications**

Corporations or partnerships that apply for aquaculture leases in the State of Maine must complete this form. Corporations must submit information as requested under A. Corporate Applicant. Partnerships must submit information as requested under B. Partnership Applicant.

**A. Corporate Applicant**

**Note:** You must attach a copy of the Articles of Incorporation (Inc.) or Certificate of Formation (LLC) to your application.

- 1. Name of Corporation: Devil’s Apron Sea Farm, LLC
  
- 2. Date of incorporation: 11/10/2022    State of incorporation: Maine

3. List the names, addresses, and titles of all officers:

<b>Name</b>	<b>Address</b>	<b>Title</b>
John E. Cotton	PO Box 227 Port Clyde, ME 04855	Co-Owner
Shawn R. Thomas	PO BOX 194 Port Clyde, ME 04855	Co-Owner

**Please use additional sheets if necessary and attach to the application.**

4. List the names and addresses of all directors/members:

<b>Name</b>	<b>Address</b>

**Please use additional sheets if necessary and attach to the application.**

5. Has the corporation, or any stockholder, director, or officer applied for an aquaculture lease for Maine lands in the past?  Yes  No

If you selected “yes,” please indicate who applied for the lease and the status of the application or lease.

John E. Cotton – 4 LPAs JCOT117; JCOT219; JCOT319; JCOT419  
 Experimental Lease: STGDC1X (to be relinquished upon approval of Standard Lease)

6. List the names and addresses of all stockholders who own or control at least 5% of the outstanding stock and the percentage of outstanding stock currently owned or controlled by each stockholder.

Name	Address	Percentage of Owned Stock
John E. Cotton	PO BOX 227 Port Clyde, ME 04855	50%
Shawn R. Thomas	PO Box 194 Port Clyde, ME 04855	50%

**Please use additional sheets if necessary and attach to the application.**

7. List the names and addresses of stockholders, directors, or officers owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person based on the percentage of owned stock listed in question 6. If none, write, “None.”

Name	Address	Lease Acronym	Acreage
John E. Cotton	PO Box 227 Port Clyde, ME 04855	JCOT117	400 square ft
		JCOT219	400 square ft
		JCOT319	400 square ft
		JCOT419	400 square ft

John E. Cotton	PO Box 227 Port Clyde, ME 04855	STGDC1X	3.67 acres
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**Please use additional sheets if necessary and attach to the application.**

8. Has the corporation or any officer, director, member, or shareholder listed in item 5 above ever been arrested, indicted, convicted of, or adjudicated to be responsible for any violation of any marine resources or environmental protection law, whether state or federal?

Yes  No

If you selected “yes”, please provide details.

**B. Partnership Applicant**

**Note:** You must attach a copy of either the Certificate of Limited Partnership or documentation of the formation of a General Partnership to your application.

1. Name of Partnership: \_\_\_\_\_

2. Date of formation: \_\_\_\_\_ State of partnership: \_\_\_\_\_

3. List the names, addresses, and ownership shares of all partners:

Name	Address	Ownership Shares

**Please use additional sheets if necessary and attach to the application.**

4. Has the partnership, or any partner applied for an aquaculture lease for Maine lands in the past?  Yes  No

If you selected “yes,” please indicate who applied for the lease and the status of the application or lease.

5. List the names and addresses of any partner owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person, based on their ownership shares from question 3.

Name	Address	Lease Acronym	Acreage

**Please use additional sheets if necessary and attach to the application.**

6. Has the partnership or any partner been arrested, indicted or convicted of or adjudicated to be responsible for any violation of marine resources or environmental protection law, whether State or Federal?

Yes  No

If you selected “yes”, please provide details.

File No. 20239484DC Pages 2  
Fee Paid \$ 175  
DCN 2223182310035 DLLC  
FILED  
11/10/2022

MAINE  
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION

  
Deputy Secretary of State

A True Copy When Attested By Signature

  
Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

**FIRST:** The name of the limited liability company is:  
**DEVIL'S APRON SEA FARM, LLC**

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "l3c" - see 31 MRSA 1508.)

**SECOND:** Filing Date: (select one)

- Date of this filing; or  
 Later effective date (specified here): \_\_\_\_\_

**THIRD:** Designation as a low profit LLC (Check only if applicable):

- This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:
- A. The company intends to qualify as a low-profit limited liability company;
  - B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
  - C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
  - D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

**FOURTH:** Designation as a professional LLC (Check only if applicable):

- This is a professional limited liability company\* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

\_\_\_\_\_  
(Type of professional services)



**FIFTH:** The Registered Agent is a: (select **either** a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent

CRA Public Number: \_\_\_\_\_

\_\_\_\_\_  
(Name of commercial registered agent)

Noncommercial Registered Agent

**PATRICK J. MELLOR, ESQ.**

\_\_\_\_\_  
(Name of noncommercial registered agent)

**10 MASONIC STREET, ROCKLAND, ME 04841**

\_\_\_\_\_  
(physical location, not P.O. Box – street, city, state and zip code)

**P.O. BOX 248, ROCKLAND, ME 04841**

\_\_\_\_\_  
(mailing address if different from above)

**SIXTH:** Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

**SEVENTH:** Other matters the members determine to include are set forth in the attached Exhibit \_\_\_\_\_, and made a part hereof.

**\*\* Authorized person(s)**

Dated 11/8/23



\_\_\_\_\_  
(Signature of authorized person)

**Shawn R. Thomas**

\_\_\_\_\_  
(Type or print name of authorized person)

\_\_\_\_\_  
(Signature of authorized person)

\_\_\_\_\_  
(Type or print name of authorized person)

**\*Examples** of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list – see 13 MRSA §723.7)

**\*\*Pursuant to 31 MRSA §1676.1.A, Certificate of Formation MUST be signed by at least one authorized person.**

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

**Secretary of State**

**Division of Corporations, UCC and Commissions**

**101 State House Station**

**Augusta, ME 04333-0101**

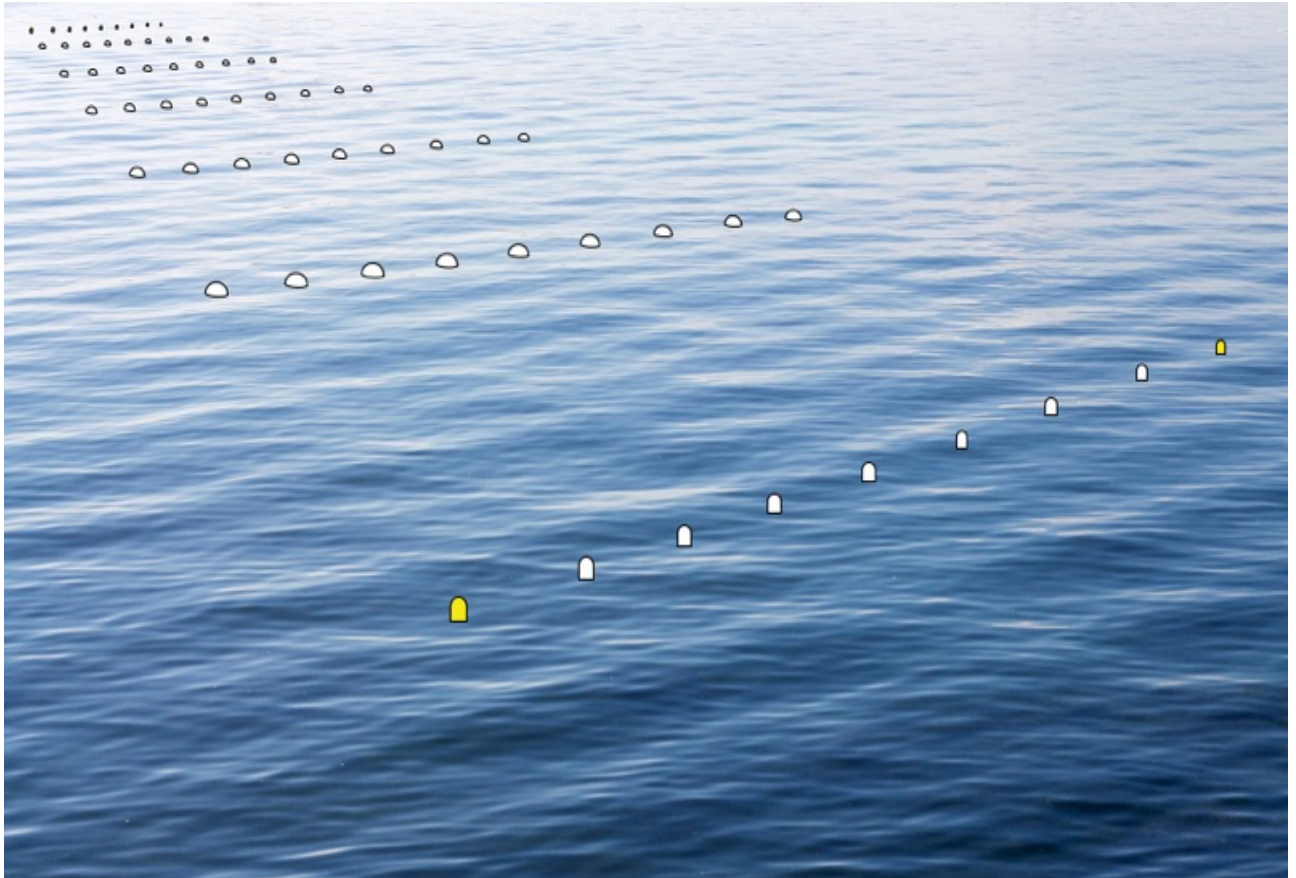
Telephone Inquiries: (207) 624-7752

Email Inquiries: [CEC.Corporations@Maine.gov](mailto:CEC.Corporations@Maine.gov)

APPENDIX 1  
Section 7 E. Equipment Layout  
2 Images

7E. Equipment Layout –from Northeast to Southwest corner





7E. Equipment Layout – from Northwest to Southeast

APPENDIX 2  
GEAR PHOTOS  
Corresponding to GEAR TABLE

Gear Image 1.



200# TendOcean dual-shank plow anchors

Gear Image 2.



5/8" Galvanized Chain

Gear Image 3.



7/8" nylon braided line



Gear Image 4.



TendOcean™ deadeye tensioning systems

Gear Image 6.



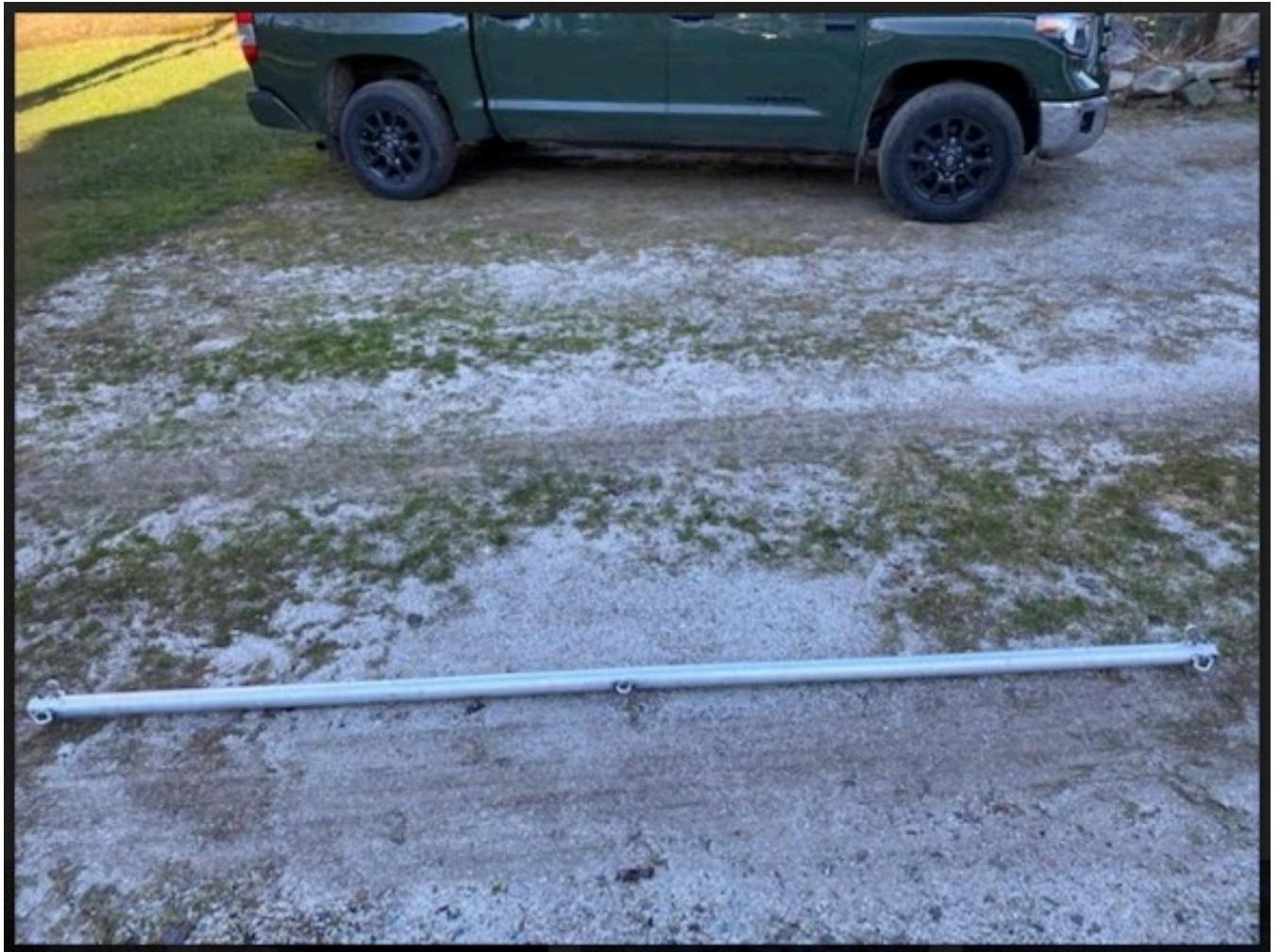
10'-long TendOcean™ aluminum end spreader bar

Gear Image 7.



3/8" + 1/2" Hydropro growlines

Gear Image 8.



10'-long TendOcean™ aluminum mid-span spreader bars

Gear Image 9.



A-2 polyform buoys

Gear Image 10.



A-1 polyform buoys