

Figure 1. Vicinity map.<sup>1</sup>

**Location:** West of Nonesuch Point, Scarborough River, Scarborough, Cumberland County, Maine

**Purpose:** Standard lease for suspended culture of American/Eastern Oysters (*Crassostrea virginica*)

Site Review: Geoff Shook and Katie VonHohenleiten

Report Preparation: Meryl Grady and Amanda Ellis

<sup>1</sup> Unless otherwise noted, all figures in this report were created in ArcGIS Pro version 3.3 using digitized NOAA Nautical Charts or geo-referenced aerial photographs provided by The Maine Office of GIS.



### **Application Overview**

The applicant, Saltwind Seafarm LLC, is requesting a 2.31-acre standard lease west of Nonesuch Point in the Scarborough River, Scarborough for the suspended culture of American/Eastern oysters (*Crassostrea virginica*). The applicant currently operates one tract of experimental lease SCAR NRx within the boundaries of the standard lease proposal (Figure 4).

### **General Characteristics**

On July 9, 2024, Department of Marine Resources (DMR) scientists assessed the proposed lease site. DMR scientists arrived on site at approximately 8:45 AM. The proposal is located in the Scarborough River. The shoreline is composed primarily of sand with surrounding marshland. The shoreline shows evidence of erosion. The subtidal, intertidal, and upland substrate in this area is dynamic, and frequently shifts/changes due to water flow, tidal exchange, weather events, etc.

### **Depth**

On July 9, 2024, DMR scientists began collecting depths at the proposed site at approximately 8:53 AM, shortly after low tide. Depths were collected at the proposal corners and determined to be between 2.5 and 7.0 feet. At the time of the site visit, water depth at corners 1 and 7 was 2.5 feet (Table 1). Correcting for tidal variations derives water depths to be approximately 2.3 to 6.8 feet at mean low water (MLW, 0.0 feet) (Tables 1 and 2). The proposed lease is located in the subtidal.

**Table 1.** Water depth collected at the time of the site visit and derived water depth at MLW.

Corner	Depth (ft)	Derived MLW depth (ft)
1	2.5	2.3
2	7.0	6.8
3	5.1	4.9
4	5.5	5.3
5	4.5	4.3
6	3.6	3.4
7	2.5	2.3

**Table 2.** Predicted tidal heights at Pine Point, Scarborough, Maine.<sup>2</sup>

Date	Time	Height (ft)
2024/07/09	1:58 AM	9.3 H
2024/07/09	8:31 AM	0.3 L
2024/07/09	2:35 PM	8.1 H
2024/07/09	8:38 PM	1.3 L

### **Bottom Characteristics**

DMR scientists observed the bottom characteristics of the proposed lease site via a remotely operated vehicle (ROV). Bottom characteristics were categorized using the Coastal and Marine

<sup>2</sup> <https://www.usharbors.com/harbor/maine/pine-point-scarborough-river-me/tides/?tide=2024-07#monthly-tide-chart>



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Ecological Classification Standard (CMECS), a national standard for describing features of the marine environment (Table 3). Sediment information was determined based on visual analysis of the video. The bottom of the proposed lease site is primarily composed of sand with shell rubble.

**Table 3.** Bottom characteristics of the proposed site.

Substrate Origin	Substrate Class	Substrate Subclass	Substrate Group
Geologic Substrate	Unconsolidated Mineral Substrate	Fine Unconsolidated Substrate	Sand
Biogenic Substrate	Shell Substrate	Shell Rubble	Soft-shell clam and blue mussel

## **Position and Distances to Shore**

The measuring tool in ArcGIS Pro 3.3 was used to verify the distances and bearings between proposed lease corners. Distances to shore were determined using the measuring tool in ArcGIS Pro 3.3, a nautical chart provided by the National Oceanic and Atmospheric Administration (NOAA), and the application coordinates (Table 4, Figure 2).

### **Application Coordinates (WGS84) – 2.31 Acres**

<u>Corner</u>	<u>Latitude</u>	<u>Longitude</u>	
1	43.54917°	-70.34115°	then 649 feet at 340° True to
2	43.55084°	-70.34200°	then 194 feet at 320° True to
3	43.55125°	-70.34247°	then 236 feet at 032° True to
4	43.55180°	-70.34200°	then 61 feet at 136° True to
5	43.55167°	-70.34185°	then 136 feet at 190° True to
6	43.55130°	-70.34192°	then 785 feet at 157° True to
7	43.54932°	-70.34075°	then 119 feet at 245° True to 1

**Table 4.** Approximate distances from proposal corners to surrounding features (Figures 2 & 3).

Feature	Distance
Corner 1 to main navigational channel Scarborough River	~150 feet to the south
Corner 3 to main navigational channel Scarborough River	~20 feet to the northwest
Corner 4 to main navigational channel Scarborough River	~0 feet, within
Corner 7 to main navigational channel Nonesuch River	~730 feet to the east
Corner 7 to Pine Point Boat Launch	~2,500 feet to the southeast
Corner 4 to Seavey's Landing	~2,600 feet to the northwest

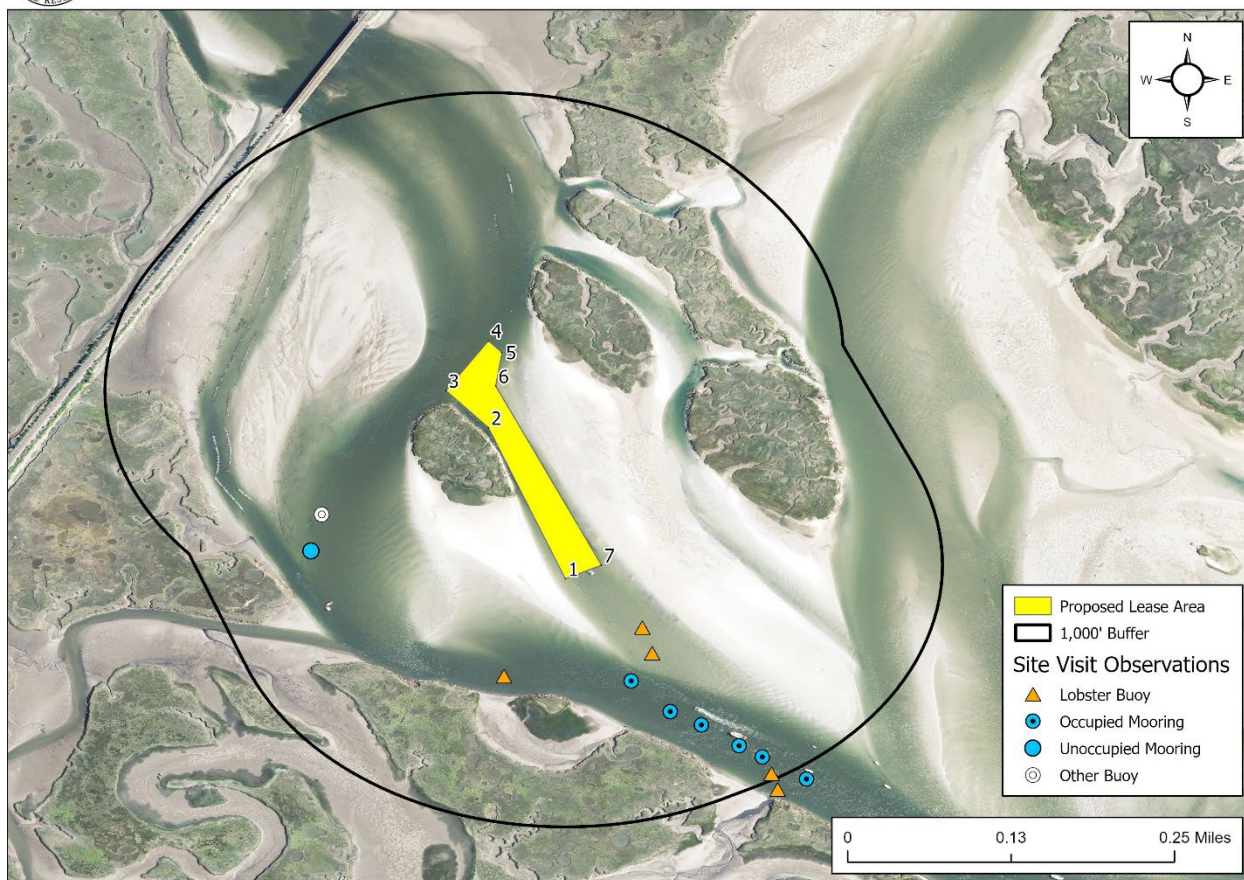


Figure 2. Proposed lease area with site visit observations.

***Pursuant to statute and regulation, aquaculture leases are evaluated in consideration of applicable decision criteria. The Site Report documents DMR's observations of the area and other information, in consideration of those criteria, as noted below:***

### **(1) Riparian Ingress and Egress**

During the site visit, DMR observed seven moorings in the vicinity of the proposal. The closest mooring was approximately 450 feet south of the proposal. Six out of seven moorings had a vessel present. The moored vessels were a mix of commercial and recreational vessels of varying lengths. The moorings observed to the south of the proposal were part of a larger mooring field that is associated with the Pine Point boat launch.

DMR did not observe any piers, docks, or houses within the vicinity of the proposal. The surrounding uplands and adjoining intertidal are owned and managed by the Department of Inland Fisheries and Wildlife (IFW) (Figure 7).





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A Harbormaster Questionnaire was completed by the local Harbormaster and submitted to DMR on July 12, 2023. The Harbormaster indicated that the proposal should not impact riparian ingress and egress.

**(2) Navigation**

The proposal is located in subtidal water in the Scarborough River. The proposal is mostly situated outside of the main navigational channel in the Scarborough River, though corner 4 is slightly within the eastern edge of the main navigational channel by approximately 50 feet. The proposal is approximately 730 feet west of the main navigational channel in the Nonesuch River.

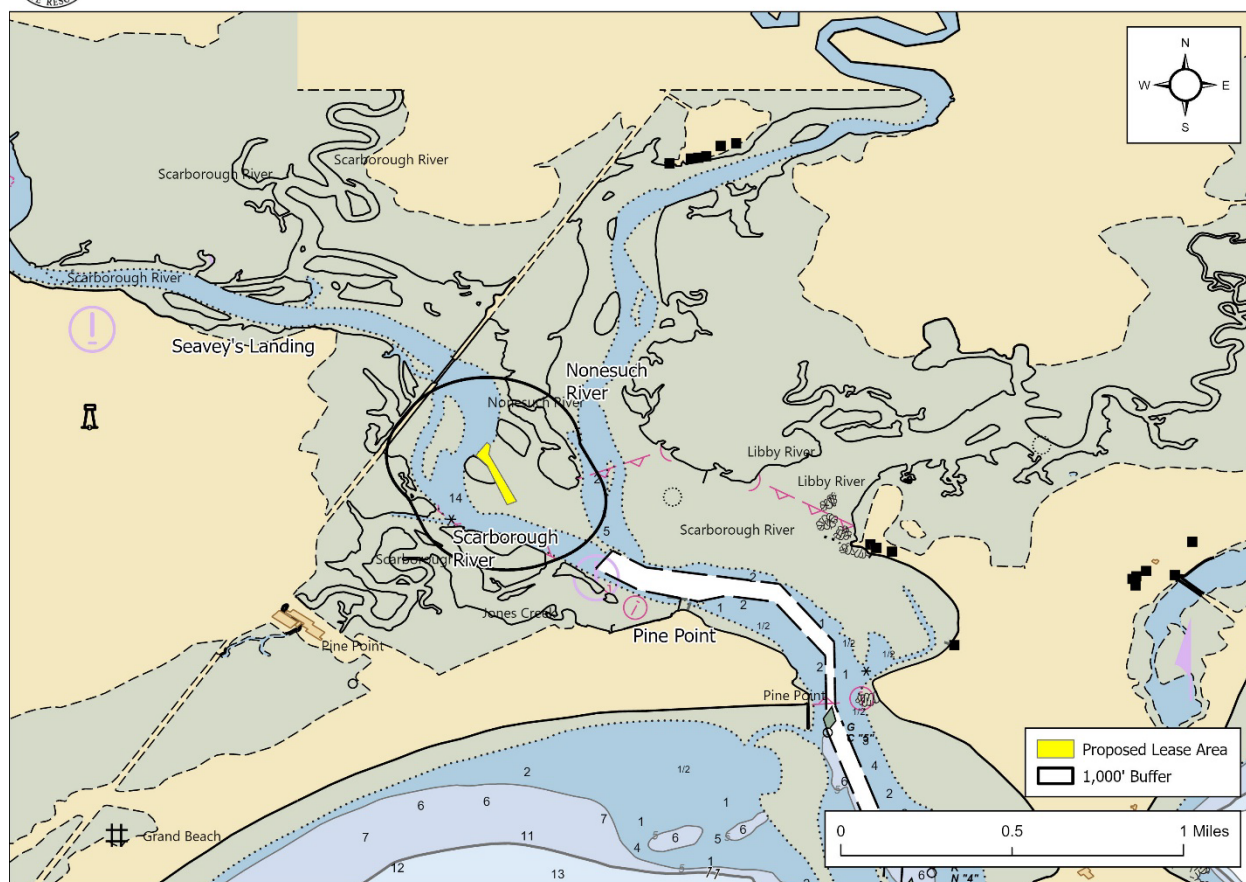
There are two boat launches in the general vicinity of the proposal. Seavey's Landing is located approximately 2,600 feet northwest of the proposal, and Pine Point is located approximately 2,500 feet southeast of the proposal (Figure 3).

DMR did not observe any vessels operating in the vicinity of the proposal during the site visit.

The Harbormaster indicated in the Harbormaster Questionnaire that the proposal would not have an effect on navigation.



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

### (3) Fishing and Other Uses

During the site visit, DMR observed five lobster-style buoys in the vicinity of the proposal (Figure 2). The nearest buoy was approximately 275 feet to the southeast. Additionally, DMR observed a buoy with an unknown purpose approximately 580 feet west of the proposal near SCAR SRR a standard aquaculture lease site.

During the site visit, DMR also observed at least six individuals harvesting wild shellfish on intertidal flats to the east of Pine Point.

The Harbormaster indicated in the Harbormaster Questionnaire that there is some, but very little, recreational fishing and clam digging within the area of the proposal.



#### (4) Other Aquaculture Uses

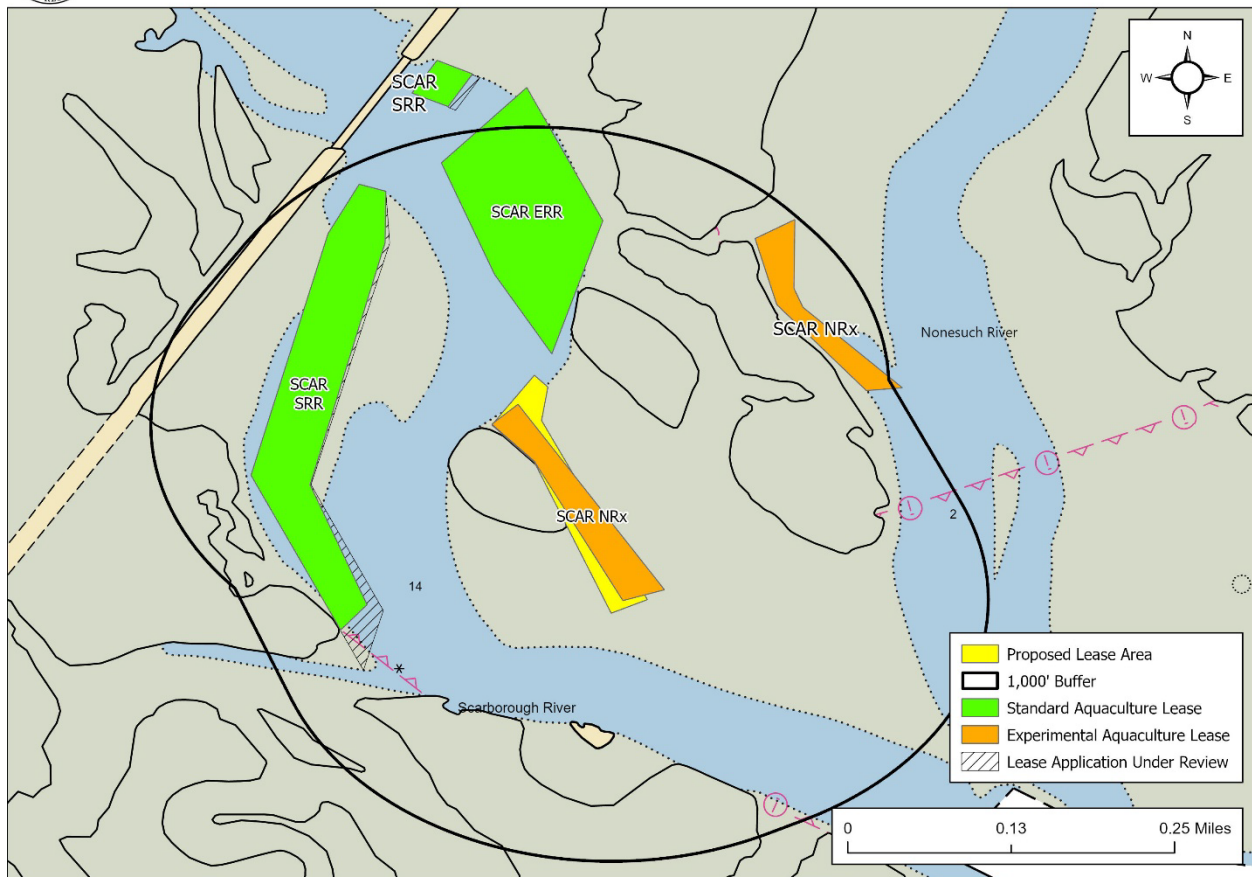
There are three aquaculture leases within 1,000 feet of this proposal. The applicant currently operates one tract of experimental lease SCAR NRx within the boundaries of this standard lease proposal. A second tract of SCAR NRx is approximately 750 feet to the northeast. The second tract was not included in the standard lease proposal. SCAR ERR, approximately 100 feet north of the proposal, is held by Pine Point Oyster Company LLC. SCAR SRR is approximately 465 feet to the west and held by Nonesuch Oysters LLC. SCAR SRR has an additional tract approximately 1,100 feet north of the proposal.

There are no Limited Purpose Aquaculture (LPA) sites within 1,000 feet of the proposed lease site.

There is one application under review by DMR within 1,000 feet of the proposal. An expansion application for standard lease SCAR SRR is approximately 460 feet to the west. The expansion application was deemed complete after this standard lease proposal (Figure 4).



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**Figure 4.** Aquaculture leases, LPA licenses, and lease applications under review by DMR in the vicinity of the proposed lease area.



## (5) Existing System Support

### Epibenthic Flora and Fauna

DMR scientists utilized an ROV to assess the epibenthic ecology of the proposed lease. The relative abundance of epibenthic flora and fauna observed in the video footage is described below in Table 5.

**Table 5.** Species observed using underwater video footage.

Species Observed	Abundance
Hermit crab ( <i>Pagurus</i> spp)	Common
Periwinkle ( <i>Littorinidae</i> spp)	Occasional

### Eelgrass (*Zostera marina*)

Records of eelgrass collected by the Department of Environmental Protection (DEP) in 2021 indicate no mapped eelgrass presence in the vicinity of the proposal (Figure 5).<sup>3</sup> The nearest mapped eelgrass is approximately 1.2 miles to the southeast. No eelgrass was observed within the proposal boundaries during DMR's site visit.

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<sup>3</sup> Data obtained from The Maine Office of GIS "GISVIEW.MEDEP.Eelgrass2021". Widgeon grass was observed only in the Spinney Creek backwater off the Piscataqua River. 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.





Figure 5. Mapped eelgrass (*Z. marina*) in the vicinity of the proposed lease area.

### Wildlife

During DMR's site visit, scientists observed great blue heron (*Ardea herodias*), great cormorant (*Phalacrocorax carbo*), herring gull (*Larus argentatus*), great egret (*Ardea alba*), common eider (*Somateria mollissima*), mallard (*Anas platyrhynchos*), willet (*Tringa semipalmata*), common tern (*Sterna hirundo*), and least tern (*Sterna antillarum*) in the general vicinity of the proposal. The least tern is listed as endangered under the Maine Endangered Species Act (MESA) and is state protected.

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



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According to Geographic Information System (GIS) data maintained by IFW and available through the Maine Office of GIS (MEGIS), there are three mapped habitat types within 1,000 feet of the lease proposal. The proposal is located entirely within mapped Tidal Waterfowl and Wading Bird Habitat (TWWH) and located partially within mapped Shorebird Area, which are types of Significant Wildlife Habitats designated and regulated by IFW.<sup>4</sup> Based on data maintained by IFW, approximately 0.1 acre of the proposal is located with Shorebird Area (Figure 6, Inset B). The proposal is also located entirely within mapped Piping Plover and Least Tern Essential Habitat, which is a type of Essential Habitat designated and regulated by IFW (Figure 6, Inset A).<sup>5</sup> During the site visit, DMR scientists observed least tern (*Sterna antillarum*) perched on aquaculture cages on the experimental lease site, SCAR NRx.

Though bald eagles are no longer listed on Maine's Endangered and Threatened Species List, the United States Fish and Wildlife Service (USFWS) may also have jurisdiction over the management and conservation of the species based on applicable law and rule. Data collected by USFWS in 2023 by aerial nest survey shows there is no mapped bald eagle nesting site within the vicinity of the proposal. The nearest mapped bald eagle nest is approximately 1.1 miles southeast of the proposal.

IFW was provided with the opportunity to comment on this proposal. On August 15, 2023, the Environmental Program Manager with IFW responded, stating that the proposal is within, or nearby, several resources managed by IFW. To minimize impacts to these resources, IFW recommends all structures and activities be located in subtidal areas with greater than 3 feet of water depth at MLW, and the lease site should only be accessed from the subtidal.<sup>6</sup>

The lease proposal is located in Essential Habitat as designated by IFW, therefore, in accordance with MESA, the proposal is subject to additional review from IFW.

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<sup>4</sup> <https://www.maine.gov/ifw/programs-resources/environmental-review/significant.html>

<sup>5</sup> <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

<sup>6</sup> Correspondence between IFW and DMR



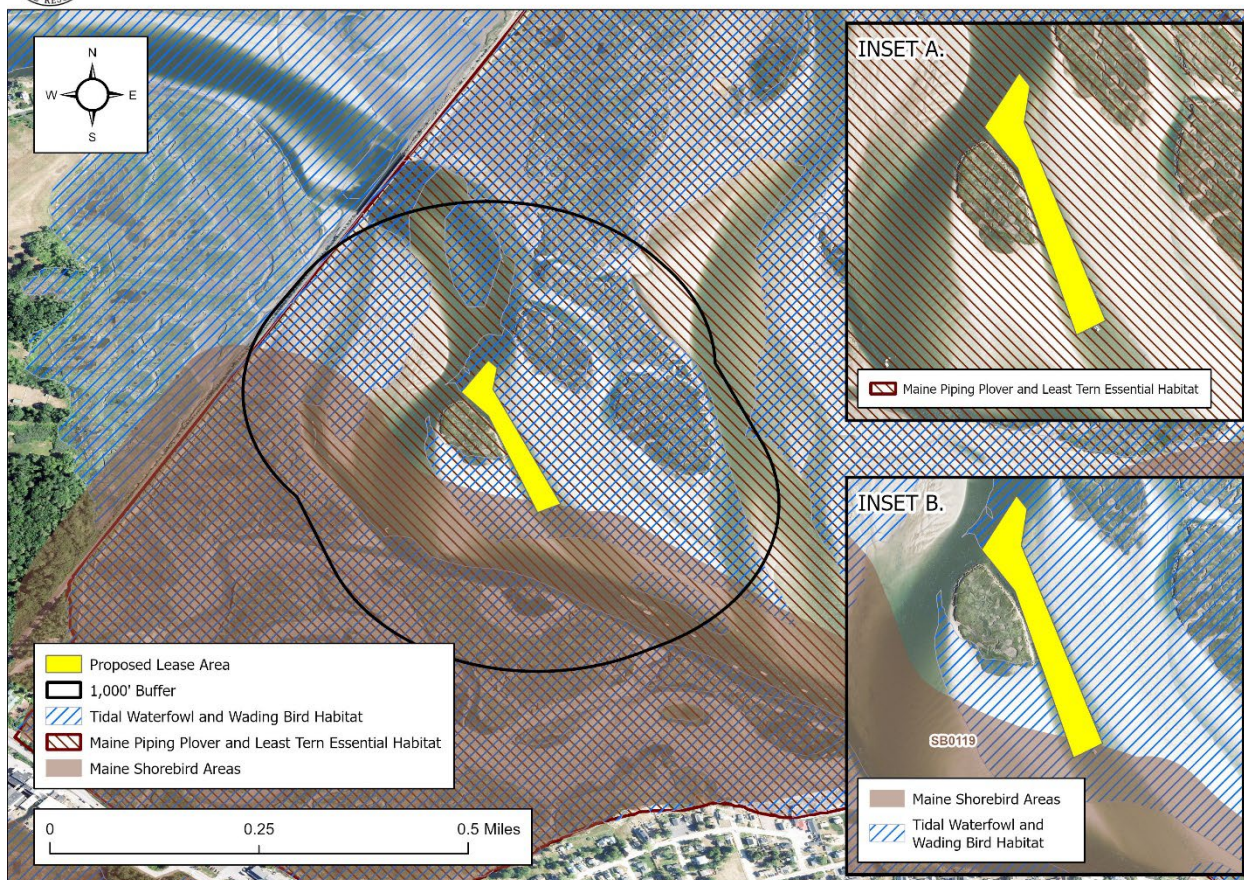


Figure 6. Mapped habitats in the vicinity of the proposed lease area.<sup>7</sup>

## (6) Interference with Public Facilities

The proposal is adjacent to conserved lands owned and managed by IFW. The Scarborough Marsh Wildlife Management Area includes all salt marsh and adjoining intertidal flats in the vicinity (Figure 7).

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

<sup>7</sup> Data obtained from USFWS "Bald\_Eagle\_Nests\_-\_Maine\_2023" and IFW "EHRTERN", "EHPLVTRN", "GISVIEW.MEIFW.Twwh", "ShorebirdAreas", and "SNI".



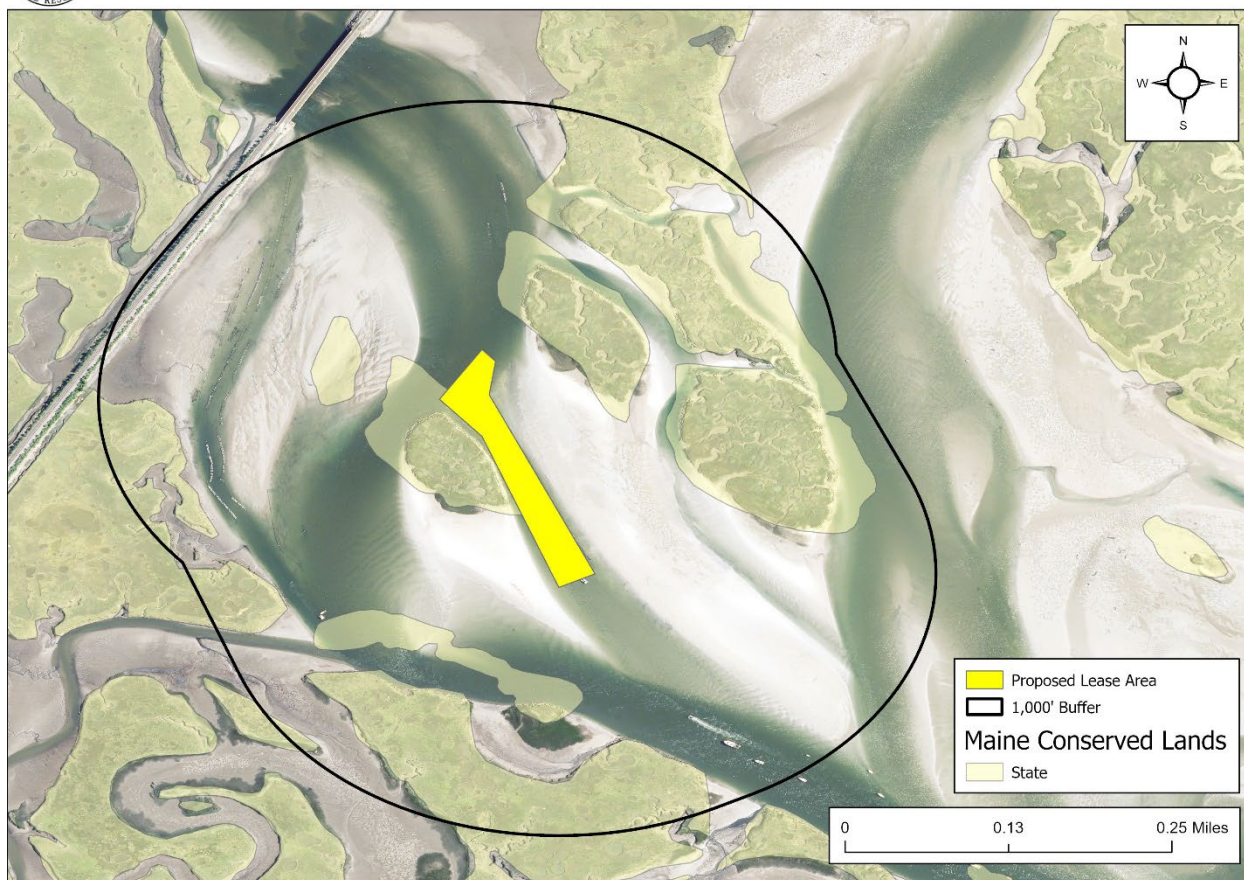


Figure 7. Public facilities near the proposed lease site.<sup>8</sup>

#### (7) Growing Area Classification

The proposed lease is currently located within an area classified as Approved by the DMR Bureau of Public Health and Aquaculture.

<sup>8</sup> Data obtained from The Maine Office of GIS "GISVIEW.MECONSLANDS.Conserved\_Lands"