



Flying Place Limited Liability Company - Flying Place Pound, Beals

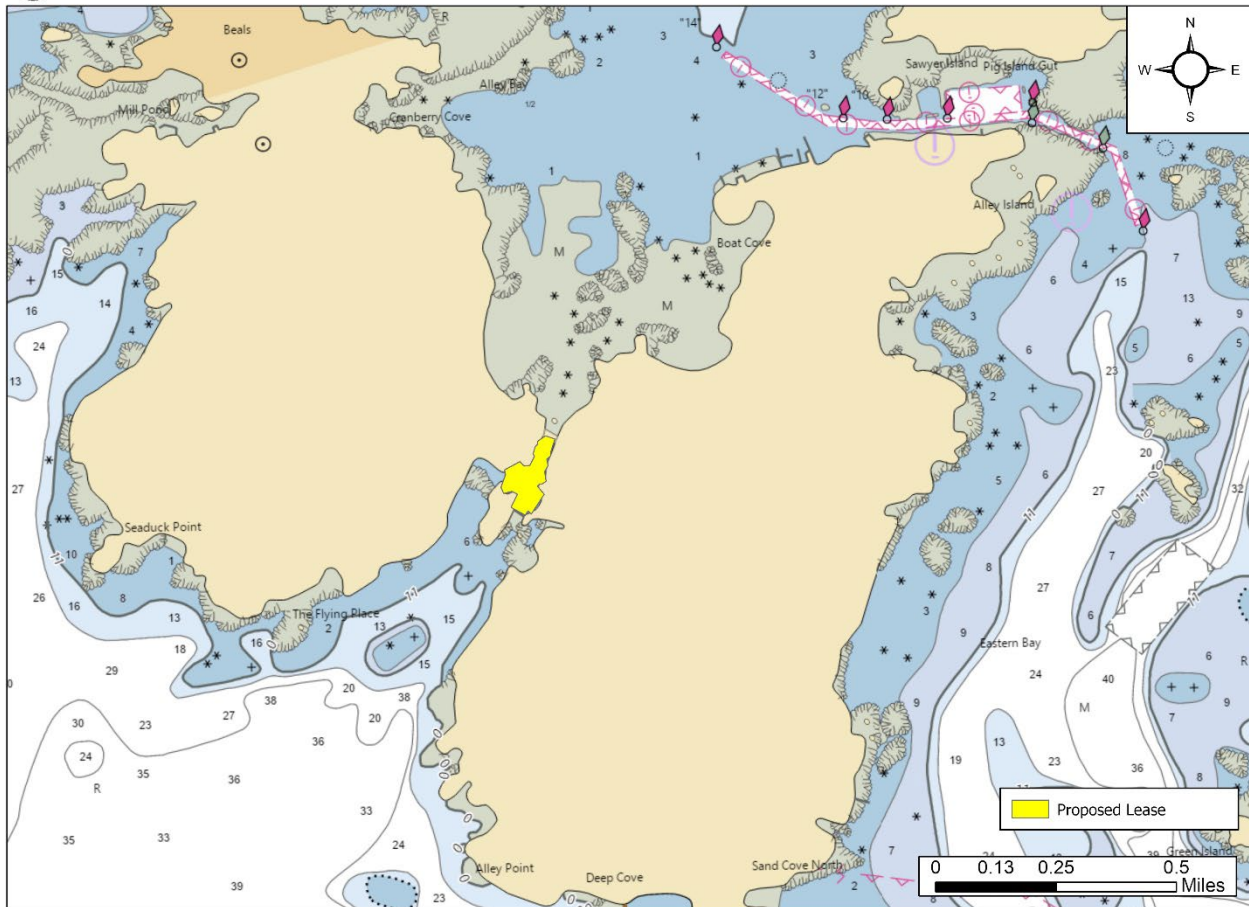


Figure 1. Vicinity map.¹

Location: Southwest of Beals-Great Wass Causeway, Flying Place Pound, Beals, Washington County, Maine

Purpose: Standard lease for bottom and suspended culture of American/eastern oyster (*Crassostrea virginica*), European oyster (*Ostrea edulis*), Atlantic sea scallop (*Placopecten magellanicus*), and surf clam (*Spisula solidissima*).

Site Review: Geoff Shook and Katie VonHohenleiten

Report Preparation: Katie VonHohenleiten, Geoff Shook, and Meryl Grady

¹ Unless otherwise noted, all figures in this report were created in ArcGIS Pro version 2.9 using digitized NOAA Nautical Charts or georeferenced aerial photographs provided by Esri World Imagery (Firefly).



Application Overview

The applicant, The Flying Place Limited Liability Company, is requesting a 5.60² acre standard lease in a former lobster pound for bottom and suspended culture of shellfish. The proposed lease is located completely within a privately owned lobster pound that is not accessible to the public. Gear will remain in the water year-round.

General Characteristics

On July 24, 2024, Maine Department of Marine Resources (MDMR) scientists assessed the proposed lease site. MDMR scientists arrived on site at approximately 1:14 PM. The proposal is situated in Flying Place Pound which is southwest of the Beals-Great Wass causeway. The general area surrounding the proposal consisted of a rocky coastline leading to grassland which showed signs of erosion and included sections of manmade, manufactured shoreline and mixed forests.

Depth

The proposal is located entirely within a tidal impoundment. Depths within the pound are partially a function of tide gate management. If the tide gate was opened, the proposal would be located above mean low water (MLW). Depths average approximately 6.0 feet at MLW and approximately 12.0 feet at mean high water (MHW).³

Bottom Characteristics

MDMR 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 Ecological Classification Standard (CMECS), a national standard for describing features of the marine environment (Table 1). Sediment information was determined based on visual analysis of the video. The bottom of the proposed lease site is primarily composed of mud with sporadic boulders, as well as areas of cobble.

Table 1. Bottom characteristics of the proposed site.

Substrate Origin	Substrate Class	Substrate Subclass	Substrate Group	Substrate Subgroup
Geologic Substrate	Unconsolidated Mineral Substrate	Fine Unconsolidated Substrate	Mud	Not Classified
Geologic Substrate	Unconsolidated Mineral Substrate	Coarse Unconsolidated Substrate	Gravel	Boulder
Geologic Substrate	Unconsolidated Mineral Substrate	Coarse Unconsolidated Substrate	Gravel	Cobble
Biogenic Substrate	Shell Substrate	Shell Rubble	Not Classified	Not Classified

² Applicant originally requested 5.57 acres. MDMR calculations indicate the area is 5.60 acres.

³ Application page 15.



Position and Distances to Shore

The measuring tool in ArcGIS Pro 2.9 was used to verify the distances and bearings between proposed lease corners. Distances to shore were determined using the measuring tool in ArcGIS Pro 2.9, a nautical chart provided by the National Oceanic and Atmospheric Administration (NOAA), and the application coordinates (Table 2, Figures 2-4).

Application Coordinates (WGS84) – 5.60 Acres

<u>Corner</u>	<u>Latitude</u>	<u>Longitude</u>	
1	44.507713°	-67.601705°	Then 109.80 feet at 109° True to
2	44.507613°	-67.601308°	Then 155.48 feet at 198° True to
3	44.507210°	-67.601503°	Then 34.80 feet at 174° True to
4	44.507155°	-67.601490°	Then 60.38 feet at 230° True to
5	44.507010°	-67.601669°	Then 70.28 feet at 169° True to
6	44.506821°	-67.601616°	Then 79.19 feet at 210° True to
7	44.506633°	-67.601768°	Then 104.68 feet at 172° True to
8	44.506349°	-67.601709°	Then 52.63 feet at 235° True to
9	44.506268°	-67.601876°	Then 28.44 feet at 272° True to
10	44.506280°	-67.601985°	Then 33.93 feet at 230° True to
11	44.506206°	-67.602082°	Then 117.38 feet at 141° True to
12	44.505954°	-67.601802°	Then 259.43 feet at 215° True to
13	44.505365°	-67.602360°	Then 50.06 feet at 317° True to
14	44.505466°	-67.602490°	Then 57.08 feet at 216° True to
15	44.505338°	-67.602616°	Then 177.92 feet at 300° True to
16	44.505579°	-67.603209°	Then 160.78 feet at 028° True to
17	44.505970°	-67.602924°	Then 70.46 feet at 297° True to
18	44.506060°	-67.603163°	Then 91.36 feet at 257° True to
19	44.506000°	-67.603503°	Then 74.41 feet at 336° True to
20	44.506188°	-67.603614°	Then 146.77 feet at 020° True to
21	44.506564°	-67.603413°	Then 53.74 feet at 351° True to
22	44.506709°	-67.603450°	Then 191.79 feet at 063° True to



23	44.506952°	-67.602798°	Then 65.39 feet at 139° True to
24	44.506817°	-67.602633°	Then 65.19 feet at 086° True to
25	44.506832°	-67.602384°	Then 111.85 feet at 029° True to
26	44.507103°	-67.602183°	Then 30.83 feet at 327° True to
27	44.507175°	-67.602245°	Then 88.97 feet at 018° True to
28	44.507406°	-67.602135°	Then 30.88 feet at 048° True to
29	44.507461°	-67.602045°	Then 33.59 feet at 002° True to
30	44.507553°	-67.602038°	Then 104.64 feet at 056° True to 1



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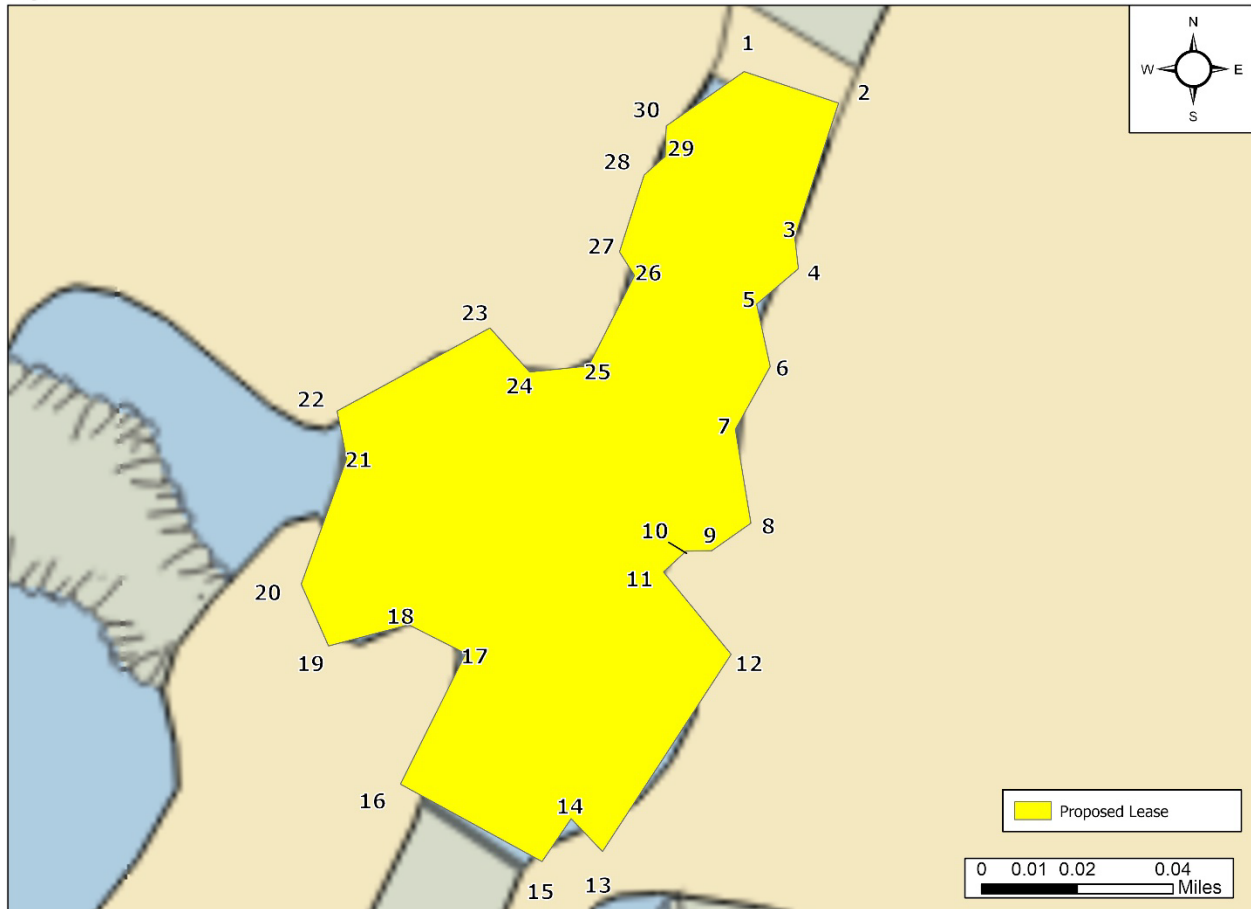


Figure 2. Labeled corners of the proposed lease area.



Table 2. Approximate distances from proposed lease corners to surrounding features (Figure 3).

Feature	Distance
Corner 2 to Beals-Great Wass Causeway	~36.5 feet to the north
Corner 15 to nearest navigable water at MLW	~245.81 feet to the southwest
Corner 16 to closest dock on imagery	~151.22 feet to the south



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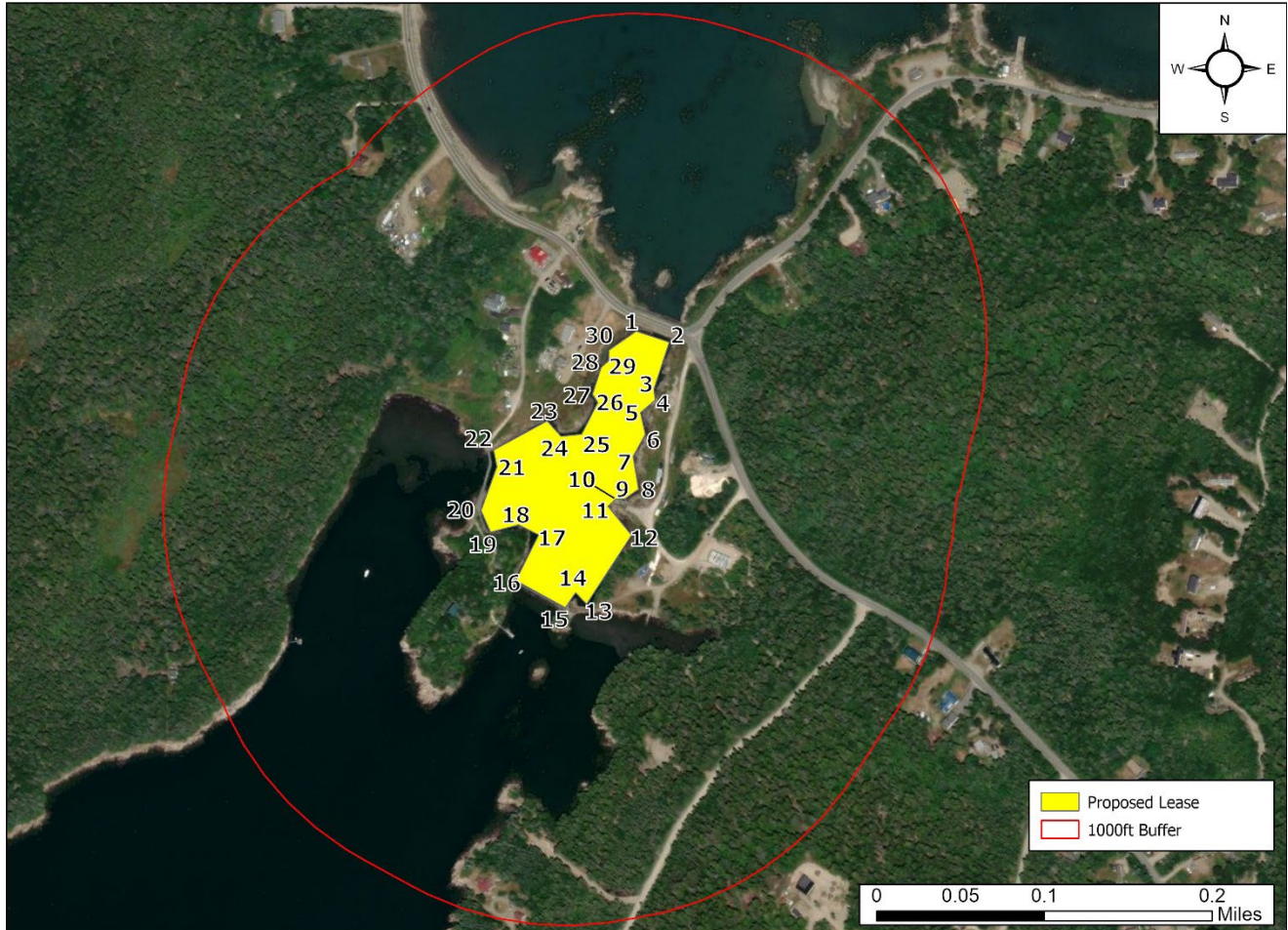


Figure 3. Proposed lease area with site visit observations.

Pursuant to statute and regulation, aquaculture leases are evaluated in consideration of applicable decision criteria. The site report documents MDMR’s observations of the area and other information, in consideration of those criteria, as noted below:



(1) Riparian Ingress and Egress

The proposed lease is located entirely within a tidal impoundment surrounded by land owned by the applicant. Access to the proposed lease is intended to be across property owned by the applicant.⁴ Since the proposal is located above MLW, the applicant is required to obtain written consent from the upland owner(s) for use of their intertidal land. The applicant is the owner of the surrounding properties, and this permission was provided with the application.⁵

During the site visit, MDMR observed a dock and a mooring south of the proposal, located outside of the impoundment, approximately 151.22 feet from corner 16 (Figure 3).⁶ The application states there are two additional docks, located outside of the impoundment, within 1,000 feet of the proposal.⁷

A Harbormaster Questionnaire was completed by the local harbormaster and submitted to MDMR on March 23, 2023. The harbormaster indicated that the proposal would not impact riparian ingress and egress.

(2) Navigation

The proposal is located within a tidal impoundment owned and operated by the applicant. It is not publicly accessible. Corner 15 of the proposed lease is approximately 245.81 feet to the northeast to the nearest navigable water at MLW; however, there are dams and private property preventing access to the tidal impoundment (Figure 4).

During the site visit, MDMR scientists observed light recreational traffic outside the barriers of the lobster pound.

The harbormaster indicated in the Harbormaster Questionnaire that the proposal would have no effect on navigation or storm anchorages.

⁴ Application page 19

⁵ Application page 26

⁶ Since the proposal is located entirely within a tidal impoundment owned and operated by the applicant, and access to the proposal is across land owned by the applicant, MDMR did not document the specific location of docks and moorings within the vicinity of the proposal.

⁷ Application page 17



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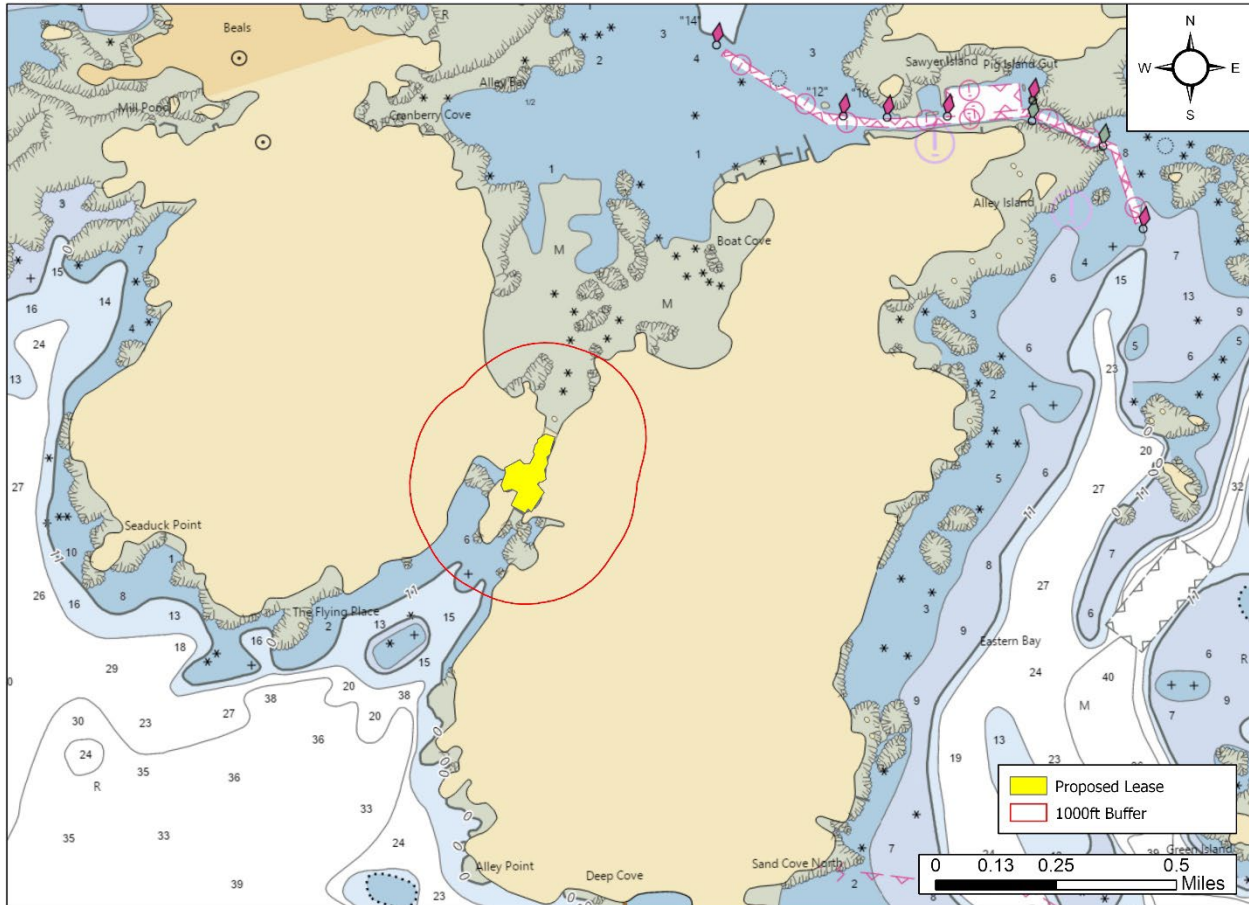


Figure 4. Navigational channels in the vicinity of the proposed lease area.

(3) Fishing and Other Uses

During MDMR’s site assessment, lobstering was observed outside of the tidal impoundment with light to moderate lobster buoys in the general vicinity. Since the proposal is located within a tidal impoundment owned and operated by the applicant, it is not accessible to the public.

The harbormaster indicated in the Harbormaster Questionnaire that the proposed lease would not impact commercial or recreational fishing in the area.

The Town of Beals has a shellfish conservation program in accordance with 12 M.R.S.A. § 6671 and because the proposal is located within the intertidal, the applicant is required to obtain consent from the municipality. The applicant provided this permission with the application.⁸

⁸ Application page 27



(4) Other Aquaculture Uses

There are 16 limited purpose aquaculture (LPA) licenses within the boundaries of this proposal: ACAR421, ACAR521, ACAR621, ACAR721, BELL122, BELL222, BELL322, BELL422, CQUE121, CQUE221, CQUE321, CQUE421, KPEP523, KPEP623, KPEP723, and KPEP823 (Figure 5).⁹ The applicant stated that if the standard lease is granted, all existing LPAs would be relinquished.¹⁰ There are no other active leases or LPAs within 1,000 feet of the proposal.



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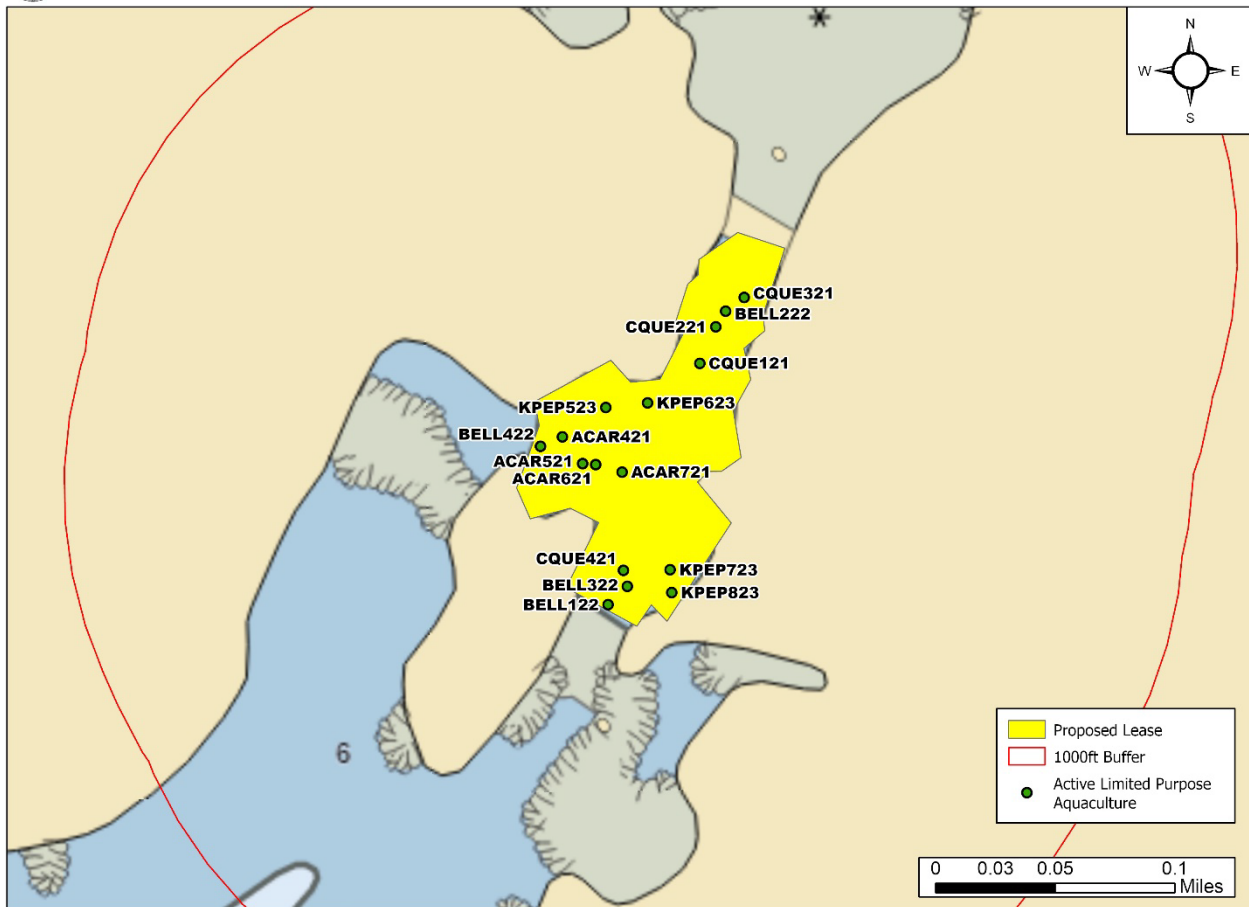


Figure 5. Aquaculture leases and LPA licenses in the vicinity of the proposed lease area.

⁹ The proposed lease application was deemed complete by MDMR on 03/17/2023. KPEP523, KPEP623, KPEP723, and KPEP823 were licensed after the application was deemed complete.

¹⁰ Application page 15



(5) Existing System Support

Epibenthic Flora and Fauna

MDMR 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 transects is described below in Table 3.

Table 3. Species observed using underwater camera footage.

Species Observed	Abundance
Sand Shrimp (<i>Crangon septemspinosa</i>)	Common
Eastern Oyster (<i>Crassostrea virginica</i>)	Common
Green Crab (<i>Carcinus maenas</i>)	Common
<i>Dasysiphonia japonica</i>	Common
Winter Flounder (<i>Pseudopleuronectes americanus</i>)	Occasional
Sea Vase Tunicate (<i>Ciona intestinalis</i>)	Occasional
Blue Mussels (<i>Mytilus edulis</i>)	Occasional
Common Periwinkle (<i>Littorina littorea</i>)	Occasional
Gutweed (<i>Ulva intestinalis</i>)	Occasional
Fig Sponge (<i>Suberites ficus</i>)	Occasional
Breadcrumb Sponge (<i>Hymeniacion perlevis</i>)	Rare
Hardshell clam/Quahog (<i>Mercenaria mercenaria</i>)	Rare



Eelgrass (*Zostera marina*)

Historical records of eelgrass collected by MDMR in 2010 indicate a patch of eelgrass approximately 232.96 feet southwest of the proposal (Figure 6).¹¹ No eelgrass was observed within the proposal boundaries during MDMR’s site assessment.



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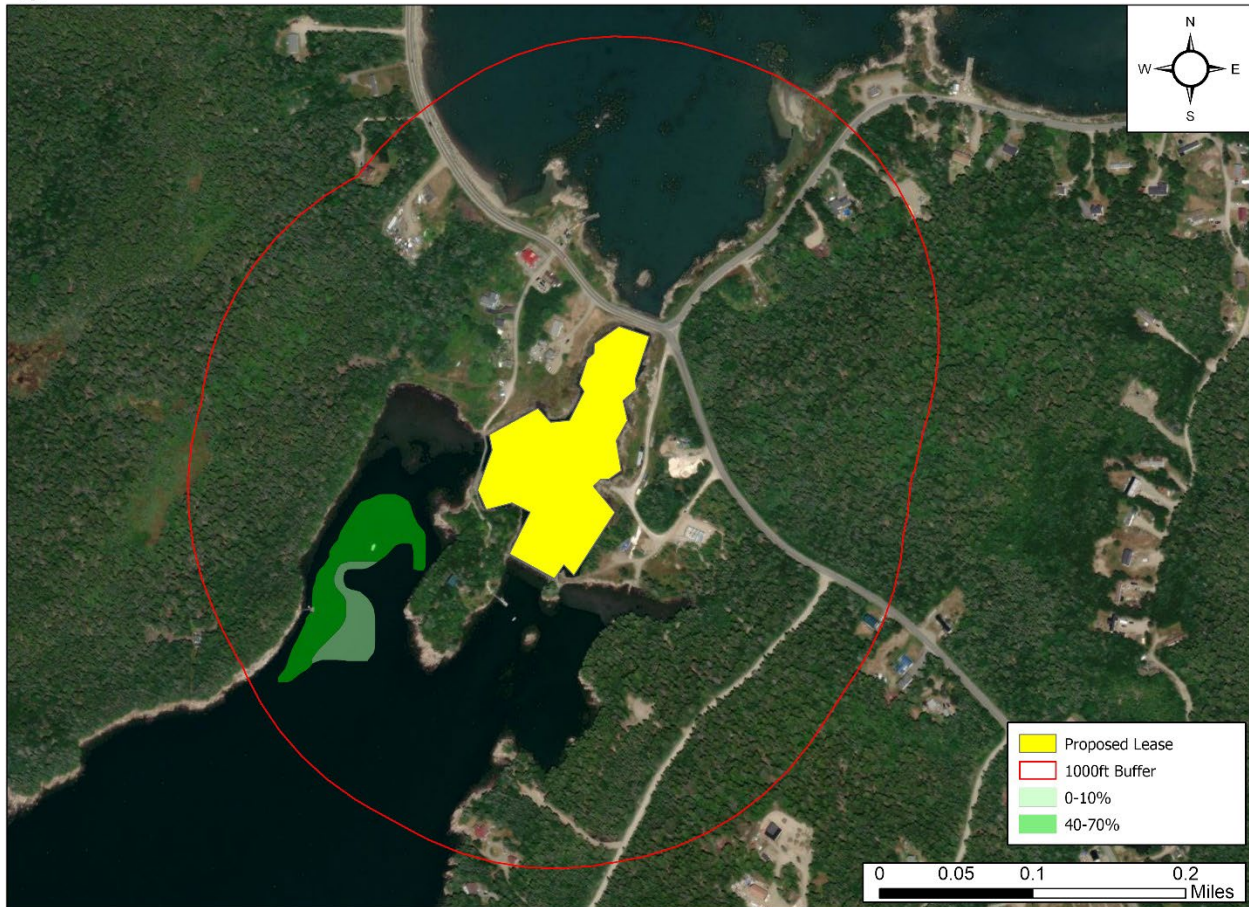


Figure 6. Mapped eelgrass (*Z. marina*) in the vicinity of the proposed lease area.

Wildlife

According to Geographic Information System (GIS) data maintained by the Maine Department of Inland Fisheries and Wildlife (MDIFW) and available through the Maine Office of GIS (MEGIS), the proposed lease is located approximately 58.11 feet to the south of mapped Tidal Waterfowl and Wading Bird Habitat (TWWH) (Figure 7). Data collected by the United States Fish and Wildlife Service

¹¹ Data obtained from The Maine Office of GIS “GISVIEW.MEDMR.Eelgrass”. At the time of this report, this is the most current record of mapped eelgrass in the vicinity of the proposal.



in 2023 by aerial nest survey shows the closest mapped bald eagle nesting site to be approximately 0.84 miles northwest of the proposal.¹²

During the site visit, MDMR scientists observed a great blue heron (*Ardea Herodias*), herring gull (*Ardea herodias*), and American crow (*Corvus brachyrhynchos*) in the vicinity of the proposal.



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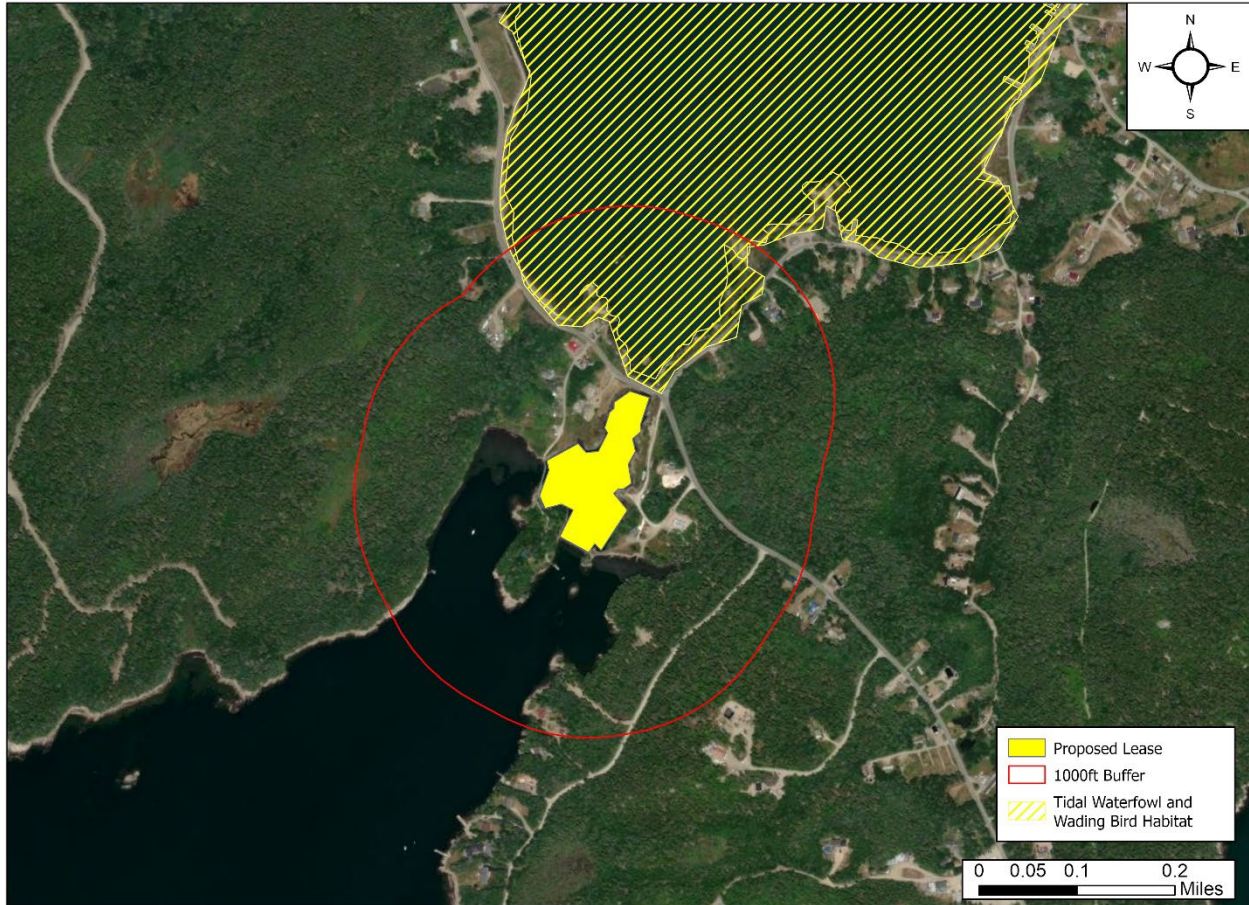


Figure 7. Mapped TWWH.¹³

¹² Data obtained from USFWS “Bald_Eagle_Nests_-_Maine_2023”

¹³ Data obtained from MDIFW maintained SDE Feature Class “GISVIEW.MEIFW.Twwh”



(6) Interference with Public Facilities

The proposal is not within 1,000 feet of any beach, park, docking facility, or conserved lands owned by federal, state, or municipal governments (Figure 8).



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Figure 8. Public facilities near the proposed lease site.¹⁴

(7) Water Quality

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

¹⁴ Data obtained from The Maine Office of GIS "GISVIEW.MECONSLANDS.Conserved_Lands"