

Experimental Aquaculture Lease Application  
Suspended Culture of Shellfish  
Jericho Bay, Stonington

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

Greenhead Lobster, LLC applied to the Department of Marine Resources (DMR) for a three-year experimental aquaculture lease on 4.0 acres located west of Bold Island, in Jericho Bay, Stonington, Hancock County. The proposal is for the suspended culture of American/eastern oysters (*Crassostrea virginica*), blue mussels (*Mytilus edulis*), sugar kelp (*Saccharina latissima*), and Atlantic sea scallops (*Placopecten magellanicus*). The proposal is for commercial research and development.

#### **1. Proceedings**

DMR accepted the final application as complete on September 28, 2023. Notice of the complete application and 30-day comment period was mailed to riparian landowners within 1,000 feet of the proposal, the Town of Stonington, subscribers to DMR's GovDelivery aquaculture list, and State agencies. On October 10, 2023, DMR sent a Harbormaster Questionnaire to the Harbormaster for the Town of Stonington, requesting information about designated or traditional storm anchorages, navigation, riparian ingress and egress, fishing or other uses of the area, among other considerations. No response from the Harbormaster was received by DMR.

DMR later determined that, due to a clerical error, the notice of the complete application and comment period dated October 10, 2023, was not published in a newspaper. Therefore, a notice was published in the *Bangor Daily News* on September 12, 2025. This notice stated DMR was accepting comments during an additional 30-day comment period, ending on October 12, 2025. Title 12 M.R.S.A. §6072-A(6) provides that the Commissioner shall hold a public hearing if ten or more persons request a public hearing within the 30-day comment period. No requests for a public hearing were received during the comment period, and no hearing was conducted. The record closed on October 12, 2025. The evidentiary record regarding this lease application includes the application, DMR's site report dated June 26, 2025, and the case file. The evidence from each of these sources is summarized below.

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

1. Case file (CF)
2. Application (App)
3. DMR site report, issued on June 26, 2025 (SR)

The case file, application and site report are referred to in the decision with their designated abbreviations.

**2. Description of the Project**

**A. Site History**

Based on DMR records, no prior aquaculture activities have occurred in the area of this proposed lease site.

**B. Proposed Operations**

The purpose of the proposed experimental lease site is to test culture techniques of various species (App 9). The applicant is proposing to culture blue mussels using twelve 40-foot by 40-foot mussel rafts with up to 800 dropper lines. The applicant proposes to culture American oysters using up to 672 five-foot by 3-foot by 2-foot floating crates, each containing six bags. Scallops and marine algae are proposed to be cultured on up to twenty-eight 250-foot longlines<sup>1</sup>. Also proposed are predator netting, moorings, lines, depth control weights, and buoys (App 9). The applicant proposes to use a boat at the lease site (App 11). Gear will remain on-site year-round, and the oyster crates may be submerged during the winter months (App 12).

The applicant states they intend to possess, transport or sell whole or roe on scallops (App 5). This species poses an additional biotoxin risk because they are slow to eliminate biotoxins due to their capacity to store these compounds within their tissues. In addition, they may also bio-transform less toxic compounds into more toxic compounds within their bodies. Therefore, if the lease is granted, and this species is approved for culture, the leaseholder will be required to enter into a Memorandum of Understanding (MOU) with DMR’s Bureau of Public Health and Aquaculture for biotoxin testing of whole or roe-on scallop products to ensure they are safe for consumption.

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

<b>Equipment</b>	<b>Description</b>	<b>Frequency of Use</b>
Mussel harvest equipment	Hydraulic powered	Twice per week during harvest period
Power washer	Hydraulic powered	Six hours per day on maintenance days

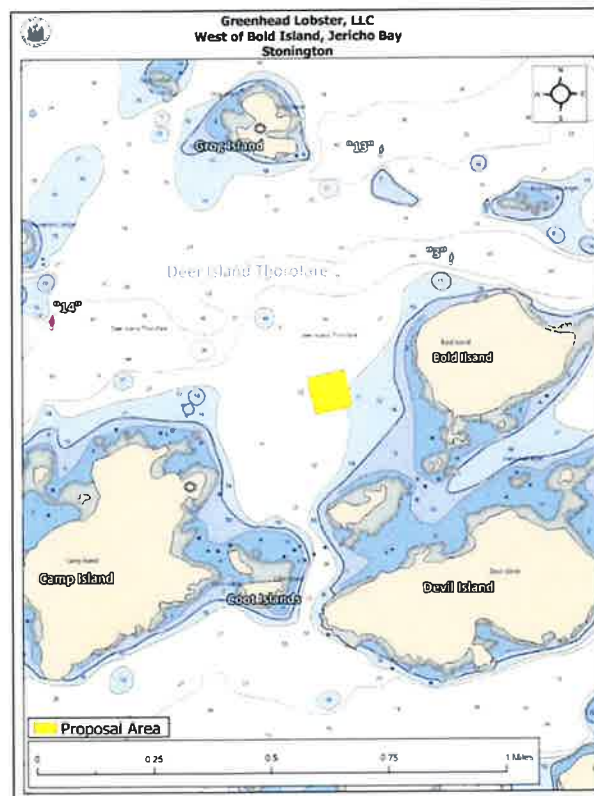
<sup>1</sup> According to the application, scallops may also be cultured on the droplines proposed for the mussel rafts (App 9).

### C. Site Characteristics

**Description.** On August 29, 2024, DMR scientists assessed the proposed lease site. The proposal is located in subtidal waters in Jericho Bay approximately 766 feet west of Bold Island at mean low water (MLW) (Figure 1). The area in the vicinity of the proposal was observed to consist of several small islands with rock ledges, sporadic sandy beaches, and dense evergreen forest uplands. Depths at MLW were determined to be between 18 to 24 feet (SR 2).

DMR scientists observed the bottom characteristics of the proposed lease site via a remotely operated vehicle (ROV). The bottom of the proposed lease site is primarily composed of mud covered with a sheet algal bed (SR 2).

**Growing Area Classification.** Growing Area Classifications for bivalve shellfish are reviewed on an annual basis and subject to change. Classifications can also be updated at any time in response to changing environmental conditions, emergency situations, or other factors that impact water quality. If the lease is granted, it is the responsibility of the leaseholder to stay informed of and comply with harvest requirements applicable to the respective growing area.



**Figure 1. Proposed lease site and surrounding area<sup>2</sup>**

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

Approval of experimental aquaculture leases is governed by 12 M.R.S.A. §6072-A and DMR Regulations<sup>3</sup>. The statute and regulations provide that a lease for commercial aquaculture research and development or for scientific research may be granted by the Commissioner upon determining that the project will not unreasonably interfere with: the ingress and egress of riparian owners; navigation; fishing or other uses of the area; other aquaculture uses in the area; the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna; and public use or enjoyment within 1,000 feet of beaches, parks, or docking facilities 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.

#### **A. Riparian Owners Ingress and Egress**

When examining riparian access, the Commissioner considers whether the proposed lease will unreasonably interfere with the ingress and egress of riparian owners. 12 M.R.S.A. § 6072-A(13)(A). The Commissioner shall examine whether the riparian owners can safely navigate to their shore and consider the type of shore, the type of vessel that can reasonably land on that shore and the types of structures proposed for the lease and their potential impact on the vessels which would need to maneuver around those structures. Chapter 2.37(1)(A)(1).

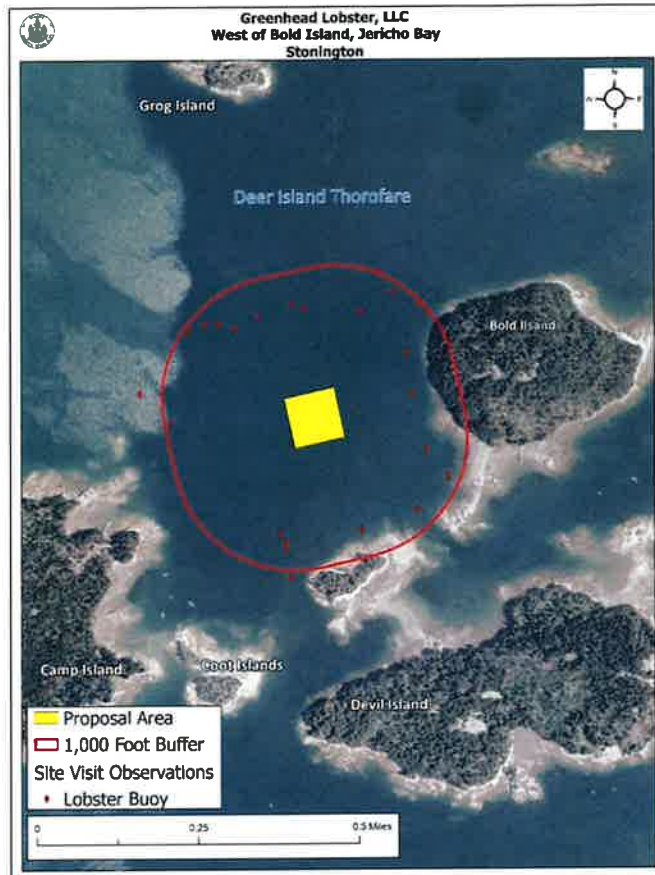
During the site visit, DMR scientists did not observe any docks, houses, or moorings within the vicinity of the proposal. Aerial imagery<sup>4</sup> indicates the nearest residential property is located to the east on Bold Island. There is a pier with a float associated with the property located approximately 1,451 feet east of the proposal. A sandbar that is exposed at all tidal stages, as well as a tidally exposed sandbar, are both located between the proposal and the pier on the southwestern shore of Bold Island. Imagery also indicates there is a pier with a float on the northeastern shore of Camp Island located approximately 1,640 feet southwest of the proposal (Figure 2).

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<sup>2</sup> Unless otherwise noted, all figures in this report were created in ArcGIS Pro version 2.9 using digitized NOAA Nautical Charts or geo-referenced aerial photographs provided by The Maine Office of GIS.

<sup>3</sup> 13-188 C.M.R. ch. 2.

<sup>4</sup> Maine Orthoimagery Coastal DownEast Coast 2008



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

A Harbormaster Questionnaire was sent to the Town of Stonington. DMR did not receive a response.

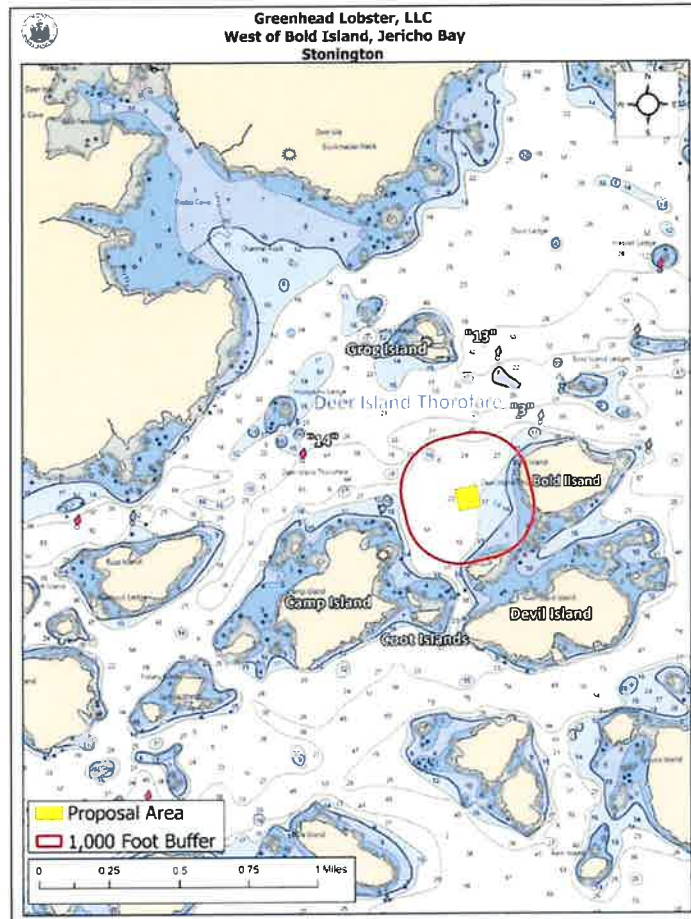
Given the distance from the proposed lease to any riparian structures, the proposed lease activities will not impede access.

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

**B. Navigation**

When examining navigation, the Commissioner considers whether the proposed lease will interfere with navigation. 12 M.R.S.A. § 6072-A(13)(B). The Commissioner shall examine whether any lease activities requiring surface and or subsurface structures would interfere with commercial or recreational navigation around the lease area and consider the current uses of the navigational channels in the area. Chapter 2.37(1)(A)(2).

The Deer Island Thorofare is a marked navigational channel that provides access to and from Stonington and Deer Isle. The proposal is located outside of the marked channel in subtidal, navigable waters approximately 861 feet south of the Thorofare. At MLW, there is approximately 766 feet of water between the proposal and Bold Island to the east, and approximately 1,266 feet of navigable water between the proposal and Camp Island to the southwest (Figure 3)(SR 5).



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

During DMR’s site visit, scientists observed six sailing vessels and seven powerboats in the Deer Island Thorofare traveling to the west, as well as two sailing vessels and three powerboats in the Thorofare traveling to the east (SR 5).

A Harbormaster Questionnaire was sent to the Town of Stonington. DMR did not receive a response.

Given the distance to the marked navigational channel, the proposed lease will not unreasonably interfere with navigation.

**Therefore,** the aquaculture activities as proposed will not unreasonably interfere with navigation.

### **C. Fishing and Other Uses**

When examining fishing and other uses, the Commissioner considers whether the proposed lease activities will unreasonably interfere with fishing or other uses of the area. 12 M.R.S.A. § 6072-A(13)(C). The Commissioner shall examine whether the lease activities would unreasonably interfere with commercial or recreational fishing or other water-related uses of the area. Chapter 2.37(1)(A)(3).

**Fishing.** During DMR's site visit, scientists observed 24 lobster buoys in the vicinity of the proposal. The closest was located approximately 617 feet east of the proposal (Figure 2). Additionally, DMR scientists observed two commercial menhaden (*Brevoortia tyrannus*) fishing vessels working to the west of the proposal beyond 1,000 feet (SR 6 and CF).

According to the application, although some recreational fishing has been observed in the area, it is not an ideal location for this activity (App 14).

Given the limited level of activity reported and the distance to the observed lobstering gear and commercial menhaden fishing, the proposed lease will not unreasonably interfere with commercial and recreational fishing activities in the area.

**Other Uses.** Hells Half Acre is an island located approximately 874 feet south of the proposal at MLW. The island is owned by the Maine Bureau of Parks and Lands and is open to the public for day use and overnight camping.<sup>5</sup>

According to the application, it is unlikely that kayaking or swimming would occur in this area due to boat traffic (App 16).

Given the distance to the publicly used island and the limited recreation in the area, the proposed lease will not unreasonably interfere with other uses of the area.

**Therefore,** the aquaculture activities as proposed will not unreasonably interfere with fishing or other uses, including water-related uses of the area.

### **D. Other Aquaculture Uses**

Pursuant to 12 M.R.S.A. § 6072-A(13)(C), in evaluating the proposed lease, the commissioner shall take into consideration the number and density of aquaculture leases in an area. The Commissioner shall consider any evidence submitted concerning other aquaculture uses of the area, the intensity and frequency of such uses, the degree of exclusivity required for each use as well as the number, size, location, and type of other aquaculture leases. Chapter 2.37(1)(A)(4).

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<sup>5</sup> <https://www.mainetrailfinder.com/trails/trail/maine-island-trail-deer-isle>

There are no licensed aquaculture leases or limited purpose aquaculture (LPA) sites within 1,000 feet of the proposed lease site (SR 6).

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

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

When examining existing system support, the Commissioner considers whether the proposed lease activities will unreasonably interfere with significant wildlife and marine habitat or with the ability of the lease site and surrounding marine and upland areas to support existing ecologically significant flora and fauna. 12 M.R.S.A. § 6072-A(13)(D). Such factors as the degree to which physical displacement of rooted or attached marine vegetation occurs, the amount of alteration of current flow, increased rates of sedimentation or sediment resuspension, and disruption of finfish migration shall be considered by the Commissioner in this determination. Chapter 2.37(1)(A)(5).

**Site Observations.** DMR scientists utilized a 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 2 (SR 7).

**Table 2.** Species observed on underwater video footage.

Species Observed	Abundance
Mysid shrimp ( <i>Mysis</i> spp.)	Occasional
Kelp ( <i>Saccharina latissima</i> )	Occasional

**Marine Vegetation.** Historical records of eelgrass collected in 2010<sup>6</sup> indicate mapped eelgrass presence within 1,000 feet of the proposal. The nearest mapped eelgrass is approximately 623 feet east of the proposal. During DMR’s site visit, no eelgrass was observed within the boundaries of the proposal. No eelgrass was observed on underwater video footage within the proposal boundaries (SR 7).

**Wildlife.** During DMR’s site visit, scientists observed black guillemot (*Cepphus grylle*), herring gulls (*Larus argentatus*), an osprey (*Pandion haliaetus*), a common loon (*Gavia immer*), and a bald eagle (*Haliaeetus leucocephalus*) in the general vicinity of the proposal.

According to Geographic Information System (GIS) data maintained by IFW and available through the Maine Office of GIS (MEGIS), there is one mapped habitat type within 1,000 feet of the lease proposal.

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<sup>6</sup> Data obtained from The Maine Office of GIS “GISVIEW.MEDMR.Eelgrass”. This is the most current record of mapped eelgrass within the vicinity of the proposal.

The proposal is near Shorebird Area and Tidal Waterfowl and Wading Bird Habitat (TWWH), which are types of Significant Wildlife Habitat designated and regulated by IFW.<sup>7</sup> Based on data maintained by IFW, as measured from the southeast corner of the proposal, it is approximately 801 feet to the 100-foot buffer surrounding the mapped Shorebird Area. The nearest mapped TWWH is located approximately 1,272 feet southeast of the proposal (Figure 6) (SR 9).

Data collected by USFWS in 2023 by aerial nest survey shows the nearest mapped bald eagle nesting site to be approximately 3,960 feet southwest of the proposal.

IFW was provided with the opportunity to comment on this proposal. On October 27, 2023, a Resource Biologist with IFW responded by email to a “Request for Agency Review and Comment” stating that minimal impacts to wildlife are anticipated for this project<sup>8</sup> (SR 9).

Given the absence of mapped significant wildlife habitat in the lease footprint, IFW’s comment, and the absence of eelgrass in the proposal, the proposed activities will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.

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

#### **F. Source of Organisms to be Cultured**

Pursuant to 12 M.R.S.A. § 6072-A(13)(E), in evaluating the proposed lease, the commissioner shall determine that the applicant has demonstrated there is an available source of organisms to be cultured for the lease site. The Commissioner shall include but not be limited to, consideration of the source’s biosecurity, sanitation, and applicable fish health practices. Chapter 2.37(1)(A)(6).

The applicant proposes to obtain American/eastern oysters (*Crassostrea virginica*) from Downeast Institute (DEI) in Beals, Maine. The applicant proposes to obtain blue mussels (*Mytilus edulis*) stock from DEI or through wild spat collection (App 3). Wild spat is an approved source for blue mussels, and DEI is an approved source of stock for both of these species. The applicant proposes to obtain sugar kelp (*Saccharina latissima*) from Atlantic Sea Farms (ASF) in Biddeford, Maine. ASF is an approved source of stock. According to the application, Atlantic sea scallops (*Placopecten magellanicus*) will be sourced through wild spat collection (App 3). Wild collection of this species requires a DMR license issued to an

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<sup>7</sup> <https://www.maine.gov/ifw/programs-resources/environmental-review/significant.html>

<sup>8</sup> Email correspondence between IFW and DMR

individual. A check of DMR records indicated that none of the individuals<sup>9</sup> listed on the application for Greenhead Lobster, LLC have a current collection license. The applicant did not list another individual with a spat collection license as the source of stock for Atlantic scallops. Therefore, if the lease is approved, this species will not be authorized for culture. If the applicant wishes to add Atlantic scallops at a later date, they may submit a species amendment and include the name of a current spat license holder as the source of stock.

**Therefore**, the applicant has demonstrated that there are available sources of stock for American/eastern oysters (*Crassostrea virginica*), blue mussels (*Mytilus edulis*), and sugar kelp (*Saccharina latissima*) to be cultured for the lease site. The applicant has not demonstrated that there is an available source of stock for Atlantic sea scallops (*Placopecten magellanicus*) to be cultured for the lease site.

#### **G. Interference with Public Facilities**

When examining interference with public facilities, the Commissioner considers whether the proposed lease will unreasonably interfere with public use or enjoyment within 1,000 feet of a beach, park, or docking facility owned by the Federal Government, the State Government or a municipal governmental agency. 12 M.R.S.A. § 6072-A(13)(F). Chapter 2.37(1)(A)(7) and 2.64(11)(A)).

The proposed lease is not within 1,000 feet of any beach, park, or docking facility owned by federal, state, or municipal governments (SR 10). Hells Half Acre island, owned by the State of Maine, is located within 1,000 feet of the proposal (SR 6). However, 12 M.R.S.A. § 6072-A(13)(F) does not consider conserved lands if they do not have a beach, park, or docking facility.

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

#### **4. Conclusions of Law**

Based on the above findings, DMR concludes that:

- a. The aquaculture activities proposed for this site will not unreasonably interfere with the ingress and egress of riparian owners.
- b. The aquaculture activities proposed for this site will not unreasonably interfere with navigation.

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<sup>9</sup> Hugh Reynolds is listed as the contact person on the application, but two other emails are given. Therefore, DMR records for Jonny Sonnefeld and Jason Mitchell were also checked.

- c. The aquaculture activities proposed for this site will not unreasonably interfere with fishing uses of the area, including water-related uses of the area.
- d. The aquaculture activities proposed for this site will not unreasonably interfere with other aquaculture uses of the area.
- e. The aquaculture activities proposed will not unreasonably interfere with the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna.
- f. The aquaculture activities proposed for this site will not unreasonably interfere with the public use or enjoyment within 1,000 feet of beaches, parks, or docking facilities owned by federal, state, or municipal government.
- g. The applicant has demonstrated that there are available sources of American/eastern oysters (*Crassostrea virginica*), blue mussels (*Mytilus edulis*), and sugar kelp (*Saccharina latissima*) to be cultured for the lease site. The applicant has not demonstrated that there is an available source for Atlantic sea scallops (*Placopecten magellanicus*) to be cultured for the lease site.

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

## **5. Decision**

Based on the foregoing, the Commissioner grants an experimental lease to Greenhead Lobster, LLC, for 4.0 acres for three years, the term of the lease to begin within 12 months of the date of this decision, on a date chosen by the lessee; however, no aquaculture rights shall accrue in the lease area until the lease is fully executed. The granted lease coordinates are contained in the Appendix to this decision.

This lease is granted to the lessee for the cultivation of American/eastern oysters (*Crassostrea virginica*), blue mussels (*Mytilus edulis*), and sugar kelp (*Saccharina latissima*) using suspended culture techniques. The lessee shall pay the State of Maine rent at \$100.00 per acre per year. The lessee shall post a bond or establish an escrow account pursuant to Chapter 2.64(12)(A) in the amount of \$5,000.00 conditioned upon performance of the obligations contained in the aquaculture lease documents and all applicable statutes and regulations.

## **6. Lease Conditions**

The Commissioner may establish conditions that govern the use of the lease area and impose limitations on aquaculture activities, pursuant to 12 M.R.S.A. §6072-A(15) and Chapter 2.64(11)(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. No conditions are imposed on this lease.

**7. Revocation of Lease**

The Commissioner may commence revocation procedures upon determining pursuant to 12 M.R.S.A. §6072-A(22) that no substantial aquaculture or research has been conducted on the site over the course of the lease, that aquaculture has been conducted in a manner substantially injurious to marine organisms, or that any condition of the lease or any applicable laws or regulations have been violated.

Dated: 1-26-26



**Carl J. Wilson, Commissioner  
Department of Marine Resources**

**Appendix**

**Granted Lease Coordinates**

<u>Corner</u>	<u>Latitude</u>	<u>Longitude</u>	
NW	44.154606°	-68.622657°	then 418 feet at 78° True to
NE	44.154850°	-68.621100°	then 416 feet at 168° True to
SE	44.153733°	-68.620760°	then 418 feet at 258° True to
SW	44.153489°	-68.622317°	then 416 feet at 348° True to NW