

STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES

Kipp Quinby

Experimental Aquaculture Lease Application  
Bottom and Suspended Culture of Shellfish and Marine Algae  
Blue Hill Salt Pond, Blue Hill, Hancock County

BHB SP3x

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

Kipp Quinby (Quinby) applied to the Department of Marine Resources (DMR) for a three-year experimental aquaculture lease on 3.91<sup>1</sup> acres located northeast of Carlton Island in the Blue Hill Salt Pond, Blue Hill, Hancock County. The proposal is for bottom and suspended culture of American/eastern oysters (*Crassostrea virginica*), hard clam/quahog (*Mercenaria mercenaria*), Atlantic surf clam (*Spisula solidissima*), Atlantic sea scallop (*Placopecten magellanicus*), sugar kelp (*Saccharina latissimi*), and dulse (*Palmaria palmata*). The proposal is for commercial aquaculture research and development.

**1. Proceedings**

DMR accepted the final application as complete on August 28, 2023. Notice of the completed application and the 30-day public comment period was provided to state agencies, the Town of Blue Hill, riparian landowners within 1,000 feet of the proposed site, and subscribers to DMR's aquaculture email listserv. On September 8, 2023, DMR sent a Harbormaster Questionnaire to the Harbormaster for the Town of Blue Hill, 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 was received from the Harbormaster. Notice of the complete application and comment period was published in the *Island Ad-Vantages* on September 7, 2023. Title 12 M.R.S.A. §6072-A(6) provides that the Commissioner shall hold a public hearing if five or more persons<sup>2</sup> request a public hearing within the 30-day comment period. The comment deadline ended on October 7, 2023. DMR did not receive any requests for a public hearing during the comment period and did not conduct a public hearing. The evidentiary record regarding this lease application includes the application, DMR's site report dated April 18, 2025, and the case file. The evidence from each of these sources is summarized below.

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<sup>1</sup> Applicant originally requested 3.9 acres. DMR calculations in the site report, based on the provided coordinates, indicate the area is 3.91 acres (SR 2).

<sup>2</sup> Title 12 M.R.S.A. §6072-A (6) now requires 10 or more hearing requests to be received for the Commissioner to hold a hearing, however, at the time of this comment period, the requirement was five or more.

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

1. Case file (CF)
2. Application (App)
3. DMR site report, issued on April 18, 2023 (SR)

The case file, application and site report are referred to in the decision with their designated abbreviations. Additional exhibits are referred to in the decision by their number as indicated in the list of exhibits.

## **2. Description of the Project**

### **A. Site History**

There are four active Limited Purpose Aquaculture (LPA) sites within the boundaries of the proposed lease: KQUI323, KQUI423, KQUI524, KQUI624. These LPA sites are licensed to the applicant of this proposal, Kipp Quinby. At the time the experimental lease was deemed complete, the applicant had applied for two LPAs within the boundaries of the proposed lease (App 14). The application stated that if the experimental lease was granted, the applicant would relinquish the two LPAs contained within the proposed lease area, if those LPAs were granted. On July 12, 2023, after the experimental lease application was deemed complete, DMR issued KQUI323, and KQUI423 to Quinby. Based on DMR records KQUI323 and KQUI423 were the pending LPAs that Quinby referred to in the experimental lease proposal.

On January 31, 2024, DMR issued two additional LPAs, KQUI524, KQUI624, to Quinby. Given the date the experimental lease application was deemed complete, the two additional LPAs, KQUI524, KQUI624, were not referenced in the application. Therefore, it is unclear if Kipp Quinby would also relinquish KQUI524, and KQUI624 if the lease were granted. However, operations on those LPAs are similar to the experimental lease proposal. Additionally, 12 M.R.S.A. § 6072-C and Chapter 2.90, which govern the operation of LPAs do not require an LPA be relinquished if a lease is granted in circumstances where the LPA holder is also the lease applicant.

According to DMR records, there were also two former LPA sites within the boundaries of the proposed lease: YOU315 and YOU415. Both LPAs were held by Evan Young for 2015 and renewed through 2018. Evan Young elected not to renew the sites after 2018, and they were consequently terminated. These LPAs were licensed for the suspended culture of American/Eastern oyster (*Crassostrea virginica*) utilizing shellfish tray racks and soft mesh bags.

KQUI323 and KQUI423 are licensed for the bottom culture of shellfish including hard clam/quahog (*Mercenaria mercenaria*), American/eastern oyster (*Crassostrea virginica*), and

European oyster (*Ostrea edulis*). These LPAs are licensed for shellfish tray racks, soft bags, semi-rigid bags, floating trays and/or overwintering cages. Due to the presence of overwintering cages, the site is active year-round. The license also authorizes bottom planting, so shellfish may be deployed directly on the substrate. These sites are also licensed for the suspended culture of marine algae including sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), dulse (*Palmaria palmata*), ulva, horsetail kelp (*Laminaria digitata*), and winged kelp (*Alaria esculenta*).

KQUI524 and KQUI624 are licensed for the suspended culture of shellfish including hard clam/quahog (*Mercenaria mercenaria*), American/Eastern oyster (*Crassostrea virginica*), and European oyster (*Ostrea edulis*). These LPAs are licensed for suspended shellfish tray racks, soft bags, semi-rigid bags, floating trays and/or overwintering cages. Due to the presence of overwintering cages, the site is active year-round. These sites are also licensed for the suspended culture of marine algae including sugar kelp (*Saccharina latissima*), horsetail kelp (*Laminaria digitata*), dulse (*Palmata palmata*), ulva, and porphyra.

## **B. Proposed Operations**

The purpose of this proposed experimental lease site is to explore the commercial feasibility of culturing shellfish and marine algae using different gear types, configurations, and stocking densities within the Blue Hill Salt Pond (App 9). The applicant is proposing to culture American/eastern oysters, hard clam/quahog, Atlantic surf clam, Atlantic sea scallop, sugar kelp, and dulse using bottom and suspended culture techniques (App 9).

The applicant proposes cultivating oysters, Atlantic surf clams, and hard clams/quahogs year-round using a combination of 30,700 bags, 100 cages, and 25,000 rigid baskets that are deployed on the surface of the water and on the bottom of the proposed site (App 19, 24, 25). The bags, cages, and baskets would be secured to 330 foot long lines spanning northeast to southwest across the proposed area with a 20-foot buffer from the lease boundary on each side (App 24, 25). The configuration of the gear, within the water column, would vary by season. For example, during warmer months, when ice is no longer present, the mesh bags, which measure 18'' x 30'' x 3'' and the rigid baskets, which measure 10'' x 8'' x 30'' may be used to cultivate oysters, Atlantic surf clams, and hard clams/quahogs at the surface of the water (App 9). The lines, with the bags and baskets would be sunk between 4 to 17 feet below the surface of the water during cooler months to avoid the threat of ice (App 9, 25). Some of the surface bags may also be transferred to overwintering cages of various sizes (App 19). The overwintering cages would be deployed along the bottom and there would be a maximum of 100 cages present from November through May (App 19, 25). Additionally, once the hard clams/quahogs reach a certain size they may be transferred from the surface bags and baskets to 4' x 6' benthic bags for further grow out (App 9). A maximum of 1,000 benthic bags

would be deployed along the bottom of the proposed site for year-round cultivation of hard clams/quahogs (App 19). Scallops would be cultivated year-round in up to 1,000 lantern nets that measure 20'' x 20'' x 6' and up to 5,000 pearl nets that measure 18'' x 18'' x 18'' (App 19). The pearl and lantern nets would be secured to the longlines and suspended below the surface of the water (App 9, 19).

Oysters, Atlantic surf clams, hard clams/quahogs, and scallops would be seeded from June through August (App 9). Harvesting from the bags, baskets, and lantern and pearl nets would be done by hand from a vessel and stock grown in gear on the bottom would be harvested by diver or raking (App 10). During seeding, harvesting and tending periods, which occur primarily during warmer months, the site would be visited weekly or daily depending upon weather and other conditions (App 10).

The applicant has indicated that they would not possess, transport, or sell whole or roe-on scallops (App 7). DMR is aware that Atlantic surf clam (*Spisula solidissima*) poses an additional biotoxin risk because they are consumed whole and are slow to eliminate biotoxins due to their capacity to store these compounds within their tissues. In addition, they may also transform less toxic compounds into more toxic compounds within their bodies. Therefore, if the lease is granted, the leaseholder will be required to enter into a Memorandum of Understanding (MOU) with DMR's Bureau of Public Health and Aquaculture (BPHA) for site and species specific biotoxin testing to ensure their products are safe for human consumption. If the lease is granted, a condition will be included requiring testing.

Seasonally, October through June, Quinby would deploy 40 long lines that measure 330 feet in length for the cultivation of sugar kelp and dulse (App 19, 25). The long lines would be suspended 7 feet below the surface of the water with compensator floats deployed at various intervals to maintain depth as the marine algae grows (App 25). The harvest of marine algae would occur April to May (App 9).

Power equipment proposed to be used on site is listed in Table 1 and includes a tumbler/sorter, generator, and pressure washer which would be used for shellfish related operations<sup>3</sup> (App 11). Quinby has not proposed any on-site structures; therefore, all power equipment used on site would be from the 14-foot skiff proposed to service the site (App 11).

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

Equipment	Description	Frequency of Use
Generator	Used to power tumbler/sorter and pressure washer.	Daily

<sup>3</sup> Quinby does not specify that the powered equipment is used for shellfish; However, tumblers/sorters are used in shellfish production, and power washers/generators are routinely used to clean shellfish gear.

Sorter/tumbler	Used for sizing and sorting oysters. Trap wire construction for noise reduction	Several days a week
Pressure washer	Used for cleaning gear and product.	Several times a week

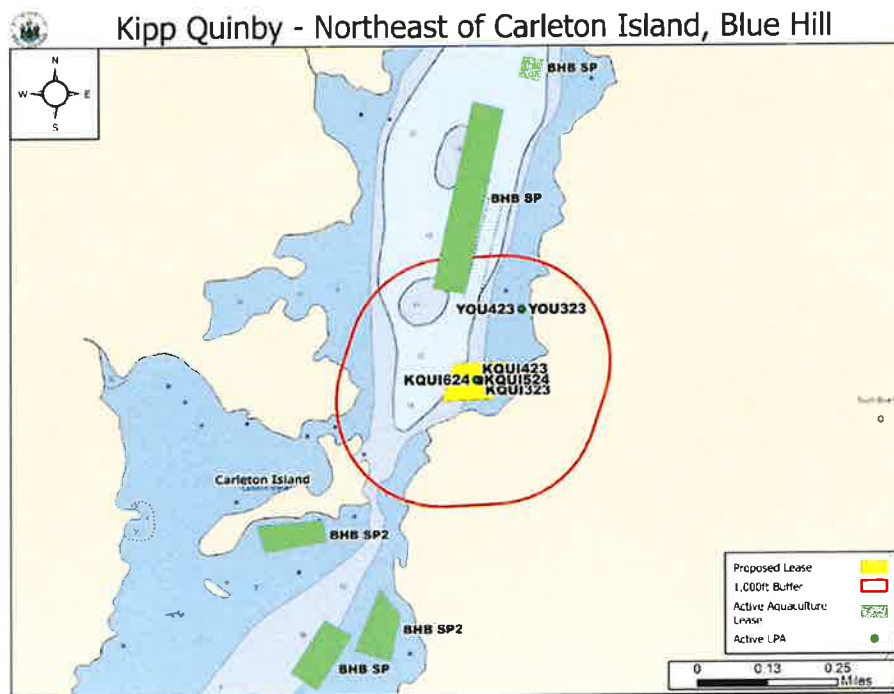
Quinby would access the site via a 14-foot skiff equipped with a four-stroke Yamaha 9.9 engine (App 11). The application states that the proposal would be accessed by using a private landing, which they have permission to use and have been using for several years (App 21).

### **C. Site Characteristics**

On August 21, 2024, DMR staff assessed the proposed lease site and the surrounding area in consideration of the criteria for granting an experimental aquaculture lease (SR 2).

The proposed lease site occupies subtidal waters in Blue Hill Salt Pond in Blue Hill. DMR scientists collected water depths at the proposed site at 12:30 PM on August 21, 2024, at the time of the predicted high tide in Blue Hill Harbor (SR 2). Measured depths at corners of the proposed lease site ranged from 6.2 to 14.3 feet (SR 2). Throughout the duration of the site visit, DMR scientists observed the tide to be incoming (SR 2). The nearest tidal station, Blue Hill Harbor, is approximately 4 miles north of the proposal (SR 2). However, due to the presence of Blue Hill Falls, the tidal cycle in the Blue Hill Salt Pond is delayed (SR 2). Blue Hill Falls is located approximately 1.4 miles north of the proposal (SR 2). Therefore, on April 16, 2025, DMR scientists revisited the proposed lease site to collect water depths at low tide (SR 2). DMR scientists collected depths during the outgoing tide at 10:50 AM, approximately three hours after the predicted low tide in Blue Hill Harbor (SR 2). Depths at corners of the proposal ranged from 2.9 to 11.6 feet. Correcting for tidal variation derives water depths at corners of the proposal at mean low water (MLW, 0.0 feet) to be from 2.4 to 11.1 feet (SR 2). Given these depths, the proposed site is in subtidal waters.

DMR scientists observed the bottom characteristics of the proposed lease site via a remotely operated vehicle (ROV) (SR 3). Sediment information was determined based on visual analysis of the video. The bottom of the proposed lease site is composed of fine unconsolidated substrate, or mud (SR 3). The shoreline surrounding the proposal is a mostly rocky ledge coastline leading to heavy forested uplands (SR 2). At the closest point, the proposed site, at mean low water, is approximately 124 feet from the shoreline at the southeast corner (SR 3). The second closest distance to shore, at mean low water, is the northeast corner at approximately 139 feet from the shoreline (SR3).



**Figure 1.** Aquaculture leases and LPA licenses in the vicinity of the proposed lease area.<sup>4</sup>

**Growing Area Classification.** The proposed lease is in Growing Area EF, which is currently classified as Approved by the DMR Bureau of Public Health and Aquaculture (App 6). 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.

### **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. 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

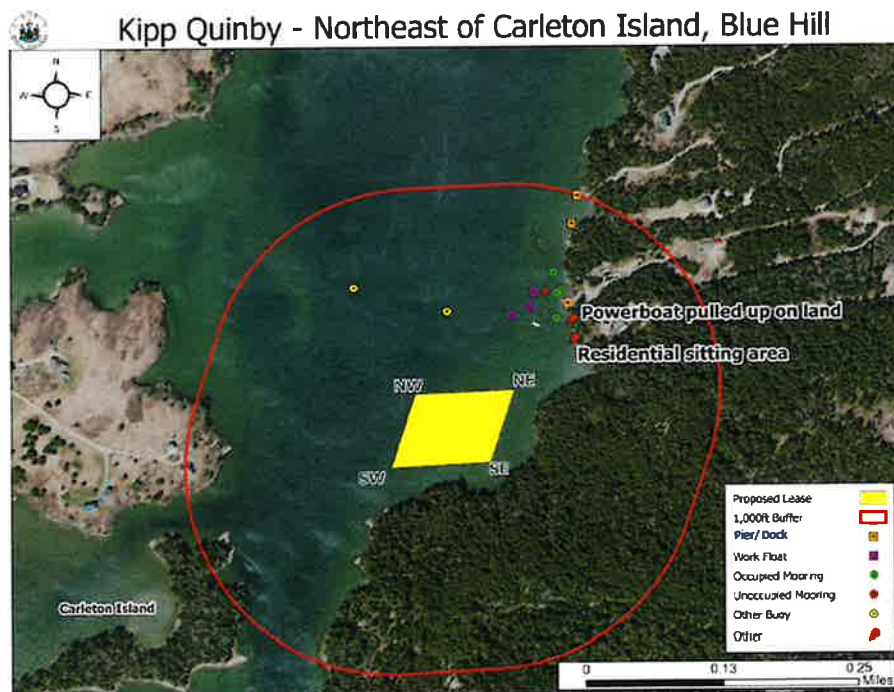
<sup>4</sup> Unless otherwise noted, all figures in this report were created in ArcGIS Pro version 2.9 using digitized NOAA Nautical Charts or geo-referenced aerial photographs provided by The Maine Office of GIS.

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).

On August 21, 2024, DMR observed three piers within 1,000 feet of the proposed lease; the closest was located approximately 499 feet northeast of the proposal (SR 4). There were five moorings in the vicinity of the proposal, one of which was unoccupied (SR 4). The closest mooring, located approximately 407 feet northeast of the proposal, had a 15-foot powerboat moored at the location. The powerboat belongs to a nearby riparian landowner (SR 4). The remaining three occupied moorings had small power boats attached that belong to aquaculture lease and license holders, including one owned by Quinby (Figure 2) (SR 4). No comments were received from riparian owners or others concerning ingress or egress.



**Figure 2.** Proposed lease site and surrounding area. Image taken from DMR's site report (SR 4).

The application states that there are private residences along the shoreline in proximity to the site (App 17). Additionally, Quinby indicates that there are moorings for boats, and a float that contains an upweller within 1,000 feet of the proposed site (App 13). According to the application, Evan Young, who holds aquaculture sites in the area, also maintains a landing with a wharf (App 13). The application states that the moorings, including associated infrastructure and the wharf are approximately 400-500 feet from the proposed experimental lease (App 13). The application states that shorefront property owners access the shore via skiff and kayak from spring through fall with use being most frequent in the summer (App 12).

The vessels described in the application and observed during the site visit are skiffs, a 15-foot power boat, and kayaks. The closest mooring was approximately 407 feet from the proposed site, and the closest pier was approximately 499 feet from the site. As depicted in Figure 2, the proposed site is located to the south of documented moorings, piers and areas of shore where a powered vessel was observed pulled up on the shore. There is approximately 124 feet of navigable water to the east of the proposed lease area and approximately 914 feet of navigable water to the west of the proposal. Considering the size and type of vessels in the area and the distances to the closest mooring and pier, including the closest distances to shore, the proposal would not unreasonably interfere with riparian ingress and egress as there would remain adequate space to accommodate the existing riparian access needs.

**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 unreasonably 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 southeast corner is located approximately 124 feet west of the eastern shore of the Blue Hill Salt Pond at MLW, and the proposal's southwest corner is located approximately 834 feet east of the western shore of the Blue Hill Salt Pond at MLW (SR 3). There is approximately 914 feet of navigable water between the proposal and the western shore of the salt pond at MLW (SR 5).

Blue Hill Falls is located approximately 1 mile north of the proposal (SR 5). The falls are created by water funneling into a narrow channel under the Blue Hill Falls Bridge (SR 5). Navigation to and from the salt pond is only accessible by transiting under the Blue Hill Falls Bridge, or by private land access (SR 5). Transiting under the bridge is further limited, because depending upon the tidal stage, whitewater can

form up to three feet in height in the area (SR 5). At MHW, there is approximately 6 feet of clearance between the surface of the water and the bridge (SR 5). At MLW, there is approximately 15 feet of clearance (SR 5).

There is no public boat launch that services the salt pond, so vessels that cannot transit the falls due to their size, water depth, or operator preference would access the salt pond from private land.

The application states that some kayaking, paddle boarding, and skiffs occur in the area mostly during the summer months and occasionally in spring and fall (App 12). The application notes that these activities may at times occur near or through the proposed lease area (App 12).

During the site visit on August 21, 2024, DMR scientists observed one powerboat engaged in aquaculture activities transiting through the proposed lease (SR 5). There were several observed moorings and piers in the vicinity of the proposal, but all are located north of the proposed lease area, with the closest being approximately 499 feet north of the proposed site location (SR 4).

No comments were received by DMR concerning navigation.

Due to the presence of Blue Hill Falls, and the lack of public access points, most of the navigation activity in the area as described in the application or observed during DMR's site assessment is likely associated with existing aquaculture site holders or property owners in the area. The watercraft observed transiting through the proposed lease site and in the general vicinity of the proposal were small power boats, skiffs, kayaks or other hand powered vessels. If the proposal is granted, it may cause these types of vessels to avoid navigating through the lease boundaries. However, there would be approximately 124 feet to the east and approximately 914 feet of navigable area remaining to the west of the proposal, which is sufficient for the type of vessels described and observed navigating in the area.

All observed moorings, piers and docks, and existing aquaculture activities, within proximity to the site are located at a minimum of 499 feet north of the proposed site.

Considering the distances between the proposed site, shoreline, observed moorings and docks/piers; and the type of vessels that navigate in the area, there would be no unreasonable interference 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 uses, including water uses, of the area. Chapter 2.37(1)(A)(3).

**Fishing.** During the August 21, 2024, site visit, DMR did not observe any evidence of commercial or recreational fishing (SR 6). The application states that there are no commercial fishing activities, and that some recreational fishing occurs in the general vicinity, but that it is infrequent (App 12).

No comments were received concerning fishing.

Based on the record, commercial fishing does not occur in the area and recreational fishing occurs on an infrequent basis near the proposed site. During the site assessment, DMR staff did observe a school of striped bass (*Morone saxatilis*), in the general vicinity. DMR is aware that striped bass are fished for recreational purposes.

If the lease were granted, all gear including moorings would need to remain within the boundaries of the site so recreational fishing could continue to occur in areas near the site. Given the limited level of fishing in the general vicinity of the proposed site, and the remaining area available for recreational fishing in the vicinity of the proposal, it will not unreasonably interfere with commercial or recreational fishing.

**Other Uses.** The application states that swimming occurs around and through the proposed site (App 13). Quinby and an unidentified neighbor are listed as people, who swim around and through the proposed lease site on a limited and seasonal basis (App 13). If the lease is approved there would be cultivation gear and long lines present year-round including warmer months when swimming typically occurs. It is possible that the presence of gear and long lines would limit the ability of someone to swim through the proposed site. However, swimming occurs infrequently, and it could continue in the areas around the proposed site where ample space remains for recreational swimming activities.

Based on the record, the proposed lease will not unreasonably interfere with other water-related uses.

**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) and Chapter 2.37(1)(A)(4), 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).

There are six active Limited Purpose Aquaculture (LPA) sites and one standard aquaculture lease within 1,000 feet of the proposed lease (SR 7). According to DMR records, all LPAs within the proposed lease area are held by Quinby.

Four LPAs, licensed Quinby, are located within the boundaries of the proposed lease: If the lease is granted, Quinby would relinquish KQUI323 and KQUI423. The other two LPAs, (KQUI524 and KQU624) were not contemplated when the experimental lease was submitted, so it is unclear if they would be relinquished; however, LPAs are evaluated in accordance with 12 M.R.S.A. § 6072-C and Chapter 2.90, which do not require a LPA be relinquished if a lease is granted in circumstances where the LPA holder is also the lease applicant. If the lease is granted and Quinby elected to renew the two LPAs, they would be within the boundaries of the experimental lease.

Additionally, there are two active LPAs: YOU323 and YOU423, located approximately 515 feet northeast of the proposal, licensed to Evan Young (SR 7). These LPAs provide authorization to culture hard clam/quahog (*Mercenaria mercenaria*), American/eastern oyster (*Crassostrea virginica*), and European oyster (*Ostrea edulis*) seasonally using an upweller. The upwellers are removed from each of the sites during the winter months.

There is only one other aquaculture lease within 1,000 feet of the proposed lease site, BHB SP, which was issued to Tightrope Seafarms, LLC on December 19, 2019. BHB SP is a standard lease authorized for the culture of American/eastern oyster using bottom planting, so no gear is present. BHB SP totals 17.45 acres and comprises three tracts which are in various locations within the salt pond. Tract 2 is closest to the proposed lease site and located 672 feet north of the area. Tract 2 is 12.5 acres in size. According to DMR records, Evan Young, who also holds LPAs in the area (YOU323 and YOU423), is also the owner of Tightrope Seafarms, LLC.<sup>5</sup>

During the site visit on August 21, 2024, DMR observed aquaculture activity at lease site BHB SP, as well as an aquaculture vessel transiting through the proposed lease area (SR 7). DMR did not receive any comments concerning aquaculture uses in the area.

All aquaculture activities occurring within the proposed lease boundary are being conducted by Quinby. The closest LPA, not held by Quinby, is approximately 515 feet from the proposed lease site, and the closest lease, which is for bottom planting only, is approximately 672 feet north of the proposed experimental lease site. Considering the distances between the proposed site, current leased and licensed areas, and the type of vessels that navigate in the area, there would be no unreasonable interference with exiting aquaculture activities.

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

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<sup>5</sup> Tightrope Seafarms, LLC has applied for leases in the area including modifications to leases. Those applications require disclosure of individuals who own the partnership.

## **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).

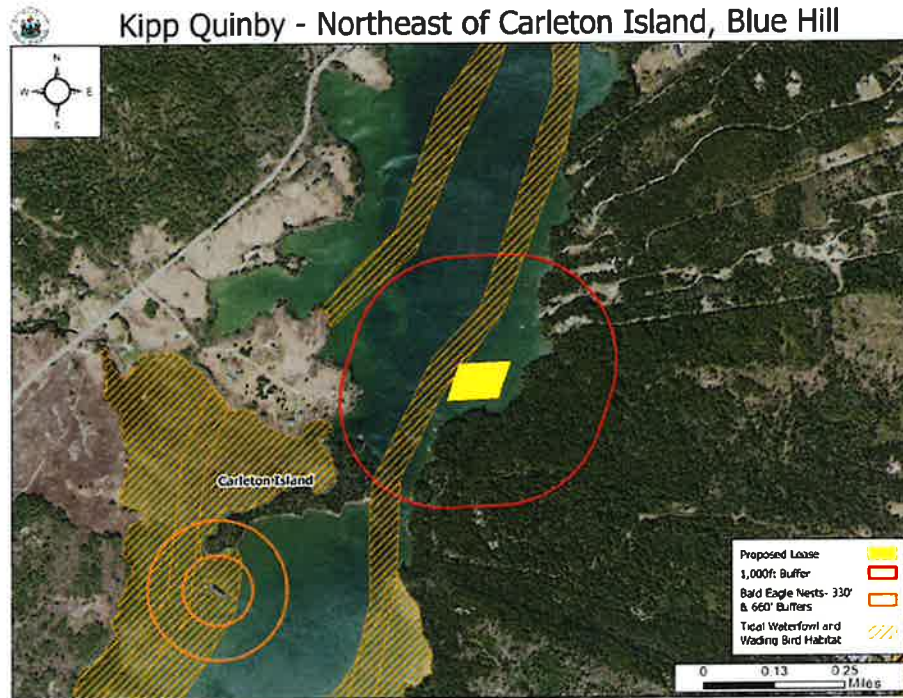
**Site Observations.** On August 21, 2024, DMR conducted a site assessment utilizing a ROV to assess the epibenthic ecology of the proposed lease (SR 3). The relative abundance of epibenthic flora and fauna observed in the video transect is described below in Table 2.

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

<b>Species Observed</b>	<b>Abundance</b>
Red algae ( <i>Dasysiphonia japonica</i> )	Common
Fig sponge ( <i>Halichondria panicea</i> )	Occasional
Sea vase tunicate ( <i>Ciona intestinalis</i> )	Occasional

**Marine Vegetation.** During DMR's site assessment on August 21, 2024, eelgrass (*Zostera marina*), was not observed on underwater video footage within the proposal boundaries. Historical records of eelgrass collected by DMR in 2010 indicate no mapped eelgrass presence in the vicinity of the proposal. The nearest mapped eelgrass is approximately 1,375 feet southwest of the proposal (SR 3).

**Wildlife.** During the site visit conducted on August 21, 2024, DMR observed American crow (*Corvus brachyrhynchos*), American goldfinch (*Spinus tristis*), a school of menhaden (*Brevoortia tyrannus*), striped bass (*Morone saxatilis*), herring gull (*Larus argentatus*), and an unidentified flock of plovers (*Charadrius* sp.) in the general vicinity of the proposal (SR 9).



**Figure 3:** Mapped bald eagle nests and TWWH in the vicinity of the proposed lease area. Image taken from DMR’s site report (SR 10).

There are no documented bald eagle nests within 1,000 feet of the proposed lease area; the closest mapped bald eagle nesting site is approximately 1 mile southwest of the proposal (SR 9).

According to Geographic Information System (GIS) data maintained by the Maine Department of Inland Fisheries and Wildlife (IFW) and available through the Maine Office of GIS (MEGIS), the northwest corner of the proposed lease is within mapped Tidal Waterfowl and Wading Bird Habitat (TWWH) by approximately 49 feet (SR 9). A total of 0.1 acre of the proposed lease is located within TWWH as depicted above in figure 3 (SR 9). DMR sent a completed copy of the application with a request for agency review and comment to IFW. However, IFW did not submit a comment on the application (SR 9).

There is not sufficient evidence in the record to determine whether the overlap would have impacts on TWWH and whether those impacts would be unreasonable. Therefore, if the lease is granted, DMR will reduce the proposed northwest corner, so that the site does not overlap with TWWH. The updated coordinates and acreage are included in the appendix of this decision.

The remaining areas of the site are not within any designated habitat types and outside any mapped bald eagle nesting sites. Historic records indicate that eelgrass has not been mapped within the proposed site, and it was not observed during the site visit.

**Therefore,** given the reduction to the northwest corner, the 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).

Quinby is proposing to source American/eastern oysters from the Downeast Institute (DEI) in Beals, Maine or Muscongus Bay Aquaculture (MBA) in Bremen, Maine (App 6). Quinby would also source American/oysters from any approved Maine hatchery (App 6). Both DEI and MBA are currently approved sources of stock for American/eastern oysters. Quinby has demonstrated that there is an available source of stock for American/eastern oysters.

Quinby is proposing to source hard clams/quahogs from DEI or MBA (App 6). DEI is not currently an approved source of stock for hard clams/quahogs, but MBA is approved. The application states that Quinby intends to source hard clams/quahogs from any approved hatchery (App 6). Since MBA is approved, there is an available source of stock for hard clams/quahogs.

Quinby is proposing to source Atlantic surf clams from DEI or MBA (App 6). Neither DEI nor MBA is an approved source of stock for Atlantic surf clams. However, the application also states that Quinby intends to source Atlantic surf clams from any approved hatchery (App 6). Currently, Merrymeeting Shellfish Company is an approved hatchery for Atlantic surf clams, so Quinby can source from that facility. There is an available source of stock for Atlantic surf clams.

Quinby is proposing to source Atlantic sea scallop from the wild (App 6). The collection of Atlantic sea scallop spat from the wild is permitted with a spat collection license pursuant to Chapter 91 of DMR's regulations. It is unclear from the application if Quinby intends to source the spat themselves or intends to purchase from individuals authorized sourced from the wild. According to DMR records, Quinby does not currently hold a scallop spat collection license. There are also no facilities currently approved for Atlantic sea scallops. Quinby has not demonstrated a source for this species. Therefore, Atlantic sea scallop will not be authorized if the lease is granted. However, if the lease is granted, and an approved source becomes available or the lease holder demonstrates that they have obtained the appropriate license or are sourcing from someone with the appropriate license, the holder may request a source review. The review must be requested by Quinby, in writing, and include the facility or name of the licensed individual authorized to collect spat. If DMR approves the request, then the holder may deploy Atlantic sea scallops. If the lease is granted, a condition will be added accordingly.

Quinby is proposing to source sugar kelp from DEI or Springtide Seaweed. DEI is not currently an approved source of stock for sugar kelp, but Springtide Seaweed is approved. Since Springtide Seaweed is approved, there is an available source of stock for sugar kelp.

Quinby is proposing to culture dulse, which would be “self-propagated from local population” (App 7). The application does not provide sufficient detail concerning “self-propagation.” Therefore, a finding cannot be made concerning the possibility of self-propagation of dulse as an approved source. However, there are approved facilities for dulse, including Springtide Seaweed and Atlantic Sea Farms. Therefore, Quinby may only obtain dulse from a DMR approved facility.

**Therefore**, the record demonstrates that there is an available source of stock to be cultured for the lease site for American/eastern oysters, hard clams/quahogs, Atlantic surf clams, sugar kelp, and dulse. However, there is not an available source of stock for Atlantic sea scallops.

#### **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 2.64(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).

**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.
- 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, as modified, 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 record demonstrates that there is an available source of stock to be cultured for the lease site for American/eastern oysters, hard clams/quahogs, Atlantic surf clams, sugar kelp, and dulse. The record fails to demonstrate that there is an available source of stock to be cultured for Atlantic sea scallops.

Accordingly, the evidence in the record supports the conclusion that the proposed aquaculture activities do 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 Kipp Quinby, for 3.81 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.

This lease is granted to the lessee for the cultivation of American/eastern oysters (*Crassostrea virginica*), hard clam/quahog (*Mercenaria mercenaria*), Atlantic surf clam (*Spisula solidissima*), sugar kelp (*Saccharina latissimi*), and dulse (*Palmaria palmata*) using bottom and 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 (7-B). Conditions are designed to encourage the greatest multiple compatible uses of the lease area, while preserving the exclusive rights of the lessee to the extent necessary to carry out the purposes of the lease. The following conditions shall be incorporated into the lease:

1. The lease holder may request a source review for Atlantic sea scallop (*Placopecten magellanicus*) prior to the expiration of the lease. The source review must be requested in writing and include the name of the licensed individual(s) authorized to collect from the wild

or name a DMR approved source. Atlantic sea scallop shall not be deployed unless and until the lease holder has received written authorization from DMR.

2. The leaseholder shall enter into a Memorandum of Understanding (MOU) with DMR's Bureau of Public Health and Aquaculture for biotoxin testing of Atlantic surf clams prior to the harvest of this species.

## **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: 11.18.25

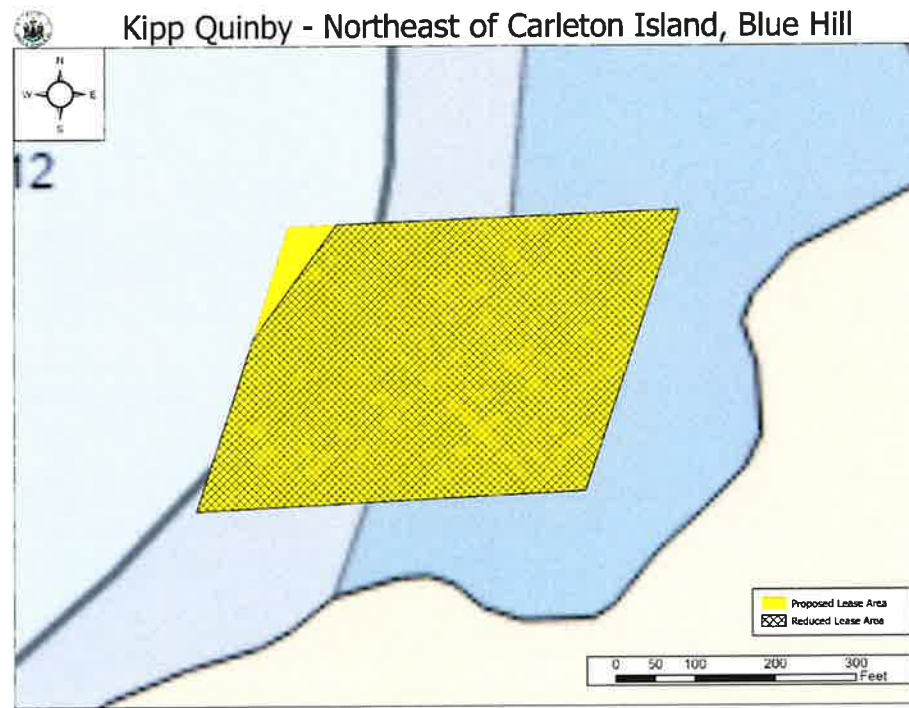


**Carl J. Wilson, Commissioner**  
**Department of Marine Resources**

## Appendix

### **Granted Lease Coordinates: (WGS84) – 3.81 Acres**

<u>Corner</u>	<u>Latitude</u>	<u>Longitude</u>
1	44.354610°	-68.569313°
2	44.354653°	-68.567677°
3	44.353688°	-68.568136°
4	44.353627°	-68.569994°
5	44.354216°	-68.569723°



**Figure 4:** Proposed lease site and DMR reduction. Image generated by DMR staff.