

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

The Flying Place LLC

Standard Aquaculture Lease Application
Suspended and Bottom Culture of Shellfish
Flying Place Pound, Beals, Maine

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

The Flying Place Limited Liability Company applied to the Department of Marine Resources (DMR) for a twenty-year standard aquaculture lease on 5.60¹ acres located in the Flying Place pound², Beals, Washington County, Maine. The proposal is for the suspended and bottom culture of American/eastern oyster (*Crassostrea virginica*), European oyster (*Ostrea edulis*), Atlantic sea scallop (*Placopecten magellanicus*), and surf clam (*Spisula solidissima*).

1. THE PROCEEDINGS

The pre-application meeting on this proposal was held on February 17, 2022, and a scoping session was held on August 19, 2022. DMR accepted the final application as complete on March 17, 2023. Notice of the completed application and public hearing was provided to state agencies, the Town of Beals, and subscribers to DMR's aquaculture email listserv³. A Harbormaster Questionnaire was sent to the Harbormaster, requesting information about designated or traditional storm anchorages, navigation, riparian ingress and egress, fishing or other uses of the area, among other considerations. A response was received by DMR on March 23, 2023. Notice of the hearing was published in the *Machias Valley News Observer* on February 5, 2025. The public notice for the hearing stated that the proceeding would be conducted in-person and remotely and directed interested persons to register to provide testimony or ask questions during the proceeding. No applications for intervenor status were received by DMR and no one registered to participate in the hearing. A public hearing on this application was held on March 17, 2025.

Albert Carver and Kyle Pepperman testified on behalf of The Flying Place LLC at the hearing. Additional DMR staff and a member of the public attended the hearing but did not offer testimony. The Hearing Officer was Maria Eggett. The record closed at the end of the hearing on March 17, 2025. The

¹ Applicant originally requested 5.57 acres. DMR calculations indicate the area is 5.60 acres.

² The site was formerly a lobster pound and is also referred to as a "tidal impoundment" in this decision.

³ There are no riparian landowners, aside from the applicant, within 1,000 feet of the proposed site.

evidentiary record before DMR regarding this lease application includes the record of testimony at the hearing. The evidence from all sources is summarized below.⁴

LIST OF EXHIBITS

1. Case file
2. Application
3. DMR site report, issued on October 22, 2024

2. DESCRIPTION OF THE PROJECT

A. Site History

At the time the site report was published, there were 16 limited purpose aquaculture (LPA) licenses within the boundaries of the proposal (Figure 1). At the time of the hearing, there were 12 active LPAs within the proposal boundaries, four licensed to Albert Carver, one of the owners of The Flying Place LLC (ACAR421, ACAR521, ACAR621, and ACAR721). Four more are licensed to Bennett Ellis (BELL122, BELL222, BELL322, and BELL 422) and the remaining four are licensed to Kyle Pepperman (KPEP523, KPEP623, KPEP723, and KPEP823).

B. Proposed Operations

The applicant proposes to culture American/eastern oyster (*Crassostrea virginica*), European oyster (*Ostrea edulis*), Atlantic sea scallop (*Placopecten magellanicus*), and surf clam (*Spisula solidissima*) using suspended and bottom culture techniques (App 1,2). The applicant proposes to use:

- 5,232 ADPI bags with two floats (32-inches by 18-inches by 6-inches)
- 100 ADPI bags with one float (32-inches by 21-inches by 3-inches)
- 2,626 nine bag oyster ranches (67.5-inches by 36-inches by 20-inches)
- 2,626 six bag oyster ranches (67.5-inches by 36-inches by 17-inches)
- 2,626 six bag bottom cages (45-inches by 40.5-inches by 18-inches)
- 3,925 lantern nets (49-inches by 20-inches)
- Electric tumbler machine (2-foot by 6-foot by 10-foot)
- Two horsepower water pump

⁴ Exhibits 1, 2, and 3 are cited below as: Case file – “CF”, Application – “App”, site report – “SR”.

The applicant also proposes to use ropes, moorings, and buoys (App 6, 7, 34). The applicant intends to utilize a 24-foot by 37-foot float with a 16-foot by 24-foot by 10-foot shed on top within the lease boundaries. The overall height of the shed on the float is 10.5 feet (App 36).

The American/eastern oyster (*Crassostrea virginica*) will be cultured using floating bags and oyster ranches. All other species will be cultured using bags without floats, bottom cages, lantern nets (Atlantic sea scallop only), and bottom culture (App 10, Pepperman testimony)⁵.

The applicant anticipates seeding shellfish in the suspended gear from April to October with some bottom seeding occurring through December. The applicant expects to tend the site up to seven days per week from April to December, and up to four days per week from January to March (App 11). Shellfish will be harvested by hand or using a small drag year-round (barring icing conditions) (App 12). American/eastern oysters and sea scallops will be submerged in cages from late fall to early spring. No seasonal changes are proposed for European oysters or surf clams (App 13).

This proposal includes surf clams and whole or roe-on Atlantic sea scallop products. These species pose 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, the leaseholder will be required to enter a Memorandum of Understanding (MOU) with DMR's Bureau of Public Health and Aquaculture for biotoxin testing of surf clams and whole or roe-on scallop products to ensure they are safe for consumption.

⁵ In response to a question from DMR at the hearing, the applicant confirmed that the bags without floats are the ADPI bags listed on the application with the floats removed.



Figure 1: Proposed standard lease boundaries⁶.

C. Site Characteristics

On July 24, 2024, DMR scientists assessed the proposed lease site. The proposal is situated entirely within Flying Place pound which is southwest of the Beals-Great Wass causeway and is located above mean low water (MLW). 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 (SR 2).

Depths were determined to average approximately 6 feet at MLW. The bottom of the lease site is primarily composed of mud with sporadic boulders, as well as areas of cobble. The proposed lease is located within an area that is currently classified as Open/Approved by the DMR Bureau of Public Health and Aquaculture.

3. STATUTORY CRITERIA & FINDINGS OF FACT

Approval of standard aquaculture leases is governed by 12 M.R.S.A. § 6072. This statute provides that a lease may be granted by the Commissioner upon determining that the project will not

⁶ All of the images in this decision were obtained from the DMR site report.

unreasonably interfere with: the ingress and egress of riparian owners; navigation; fishing or other uses of the area, taking into consideration other aquaculture uses of the area; the ability of the lease site and surrounding areas to support existing ecologically significant flora and fauna; or the public use or enjoyment within 1,000 feet of beaches, parks, docking facilities, or conserved lands 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; that the lease will not result in an unreasonable impact from noise or lights at the boundaries of the lease site; and that the lease will comply with visual impact criteria adopted by the Commissioner.

A. Riparian Access

Before granting a lease, the Commissioner must determine that the proposed project “will not unreasonably interfere with the ingress and egress of riparian owners[.]” 12 M.R.S.A. § 6072(7-A)(A). In examining riparian owner ingress and egress, the Commissioner “shall consider the type of structures proposed for the lease site and their potential impact on the vessels which would need to maneuver around those structures.” Chapter 2.37(1)(A)(1)⁷.

The proposed lease is located entirely within a tidal impoundment surrounded by land owned by the applicant. Access to the proposed lease for operations is proposed to be across property owned by the applicant.⁸ Because the proposal is located above MLW, the applicant is required to obtain written consent from the adjacent upland owner(s) for use of their intertidal land. The applicant is the owner of the surrounding properties and provided this permission with the application.⁹

During the site visit, DMR observed a dock and a mooring south of the proposal, located outside of the impoundment, approximately 151.22 feet from corner 16 (Figure 2).¹⁰ The application states there are two additional docks, located outside of the impoundment, within 1,000 feet of the proposal.¹¹

A Harbormaster Questionnaire was completed by the local Harbormaster and submitted to DMR on March 23, 2023. The Harbormaster indicated that the proposal would not impact riparian ingress and egress (SR 6).

⁷ 13-188 C.M.R. ch. 2.

⁸ Application page 19

⁹ Application page 26

¹⁰ 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, DMR did not document the specific location of docks and moorings within the vicinity of the proposal.

¹¹ Application page 17



Figure 2. Proposed lease area with site visit observations.

No testimony or evidence was offered at the hearing concerning riparian ingress and egress. Given the distance from the proposed lease to any land and/or structures owned by other riparians, that the applicant is the riparian landowner immediately adjacent to the proposed site, and the confined nature of the site, the proposed lease activities will not impede access.

Therefore, the aquaculture activities proposed for this site will not unreasonably interfere with the ingress and egress of any riparian owner.

B. Navigation

When examining navigation, the Commissioner considers whether the lease activities would interfere with commercial or recreational navigation around the lease area and considers the current uses of the navigational channels in the area (12 M.R.S.A. § 6072(7-A)(B); Chapter 2.37(1)(A)(2)).

The proposal is located within a tidal impoundment owned and operated by the applicant. The impoundment is surrounded by upland, a causeway, and tidal gates. There is no evidence that the tidal waters within the impoundment are used by the public using watercraft due to physical barriers. Additionally, unless permission has been granted by the riparian landowner, hand launching a watercraft in the impoundment would not be possible without trespassing on the surrounding parcels.

Corner 15 of the proposed lease is approximately 245.81 feet to the northeast of the nearest navigable water at MLW (Figure 3).

During the site visit, DMR observed light recreational traffic outside the pound. A Harbormaster Questionnaire was completed by the local Harbormaster and submitted to DMR on March 23, 2023. The Harbormaster indicated that the proposal would have no effect on navigation or storm anchorages (SR 6).



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

During the public hearing, no testimony or evidence was offered regarding potential impacts to navigation. Due to the location of the proposal within a pound with no navigation channels or public access, no impacts to navigation will occur.

Therefore, the aquaculture activities proposed for this site will not unreasonably interfere with navigation.

C. Fishing & Other Uses

When examining fishing and other uses, the Commissioner considers whether the lease activities would unreasonably interfere with commercial or recreational fishing or other uses, including water-related uses, of the area (12 M.R.S.A. § 6072(7-A)(C); Chapter 2.37(1)(A)(3)).

Fishing. During DMR'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 with no direct access from open water, the site is not used by the public for fishing (SR 7).

A Harbormaster Questionnaire was completed by the local Harbormaster and submitted to DMR on March 23, 2023. The Harbormaster indicated 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 zone, the applicant is required to obtain consent from the municipality. The applicant provided this permission with the application (SR 7).¹²

No testimony was given at the public hearing concerning impacts to commercial or recreational fisheries. Because the proposal is located entirely within a privately owned pound, there will be no impacts to fishing.

Other uses. According to the application, there are no other uses within the proposed lease boundaries (App 17). No evidence or testimony was provided at the hearing concerning other uses in the area.

Therefore, the aquaculture activities proposed for this site will not unreasonably interfere with fishing or other uses of the area.

D. Other Aquaculture Uses

DMR's Chapter 2 regulations and 12 M.R.S.A. § 6072(7-A) require the Commissioner to consider any evidence submitted concerning other aquaculture uses of the area. "The intensity and frequency of such uses as well as the degree of exclusivity required for each use shall be a factor in the Commissioner's determination of whether any interference is unreasonable. The number, size, location, and type of other aquaculture leases shall be considered by the Commissioner." Chapter 2, § 2.37(1)(A)(4).

At the time the site report was published, there were 16 limited purpose aquaculture (LPA) licenses within the boundaries of the proposal (Figure 1)¹³. At the time of the hearing, there were 12 active LPAs within the proposal boundaries¹⁴ and the applicant stated that if the standard lease is granted, all existing LPAs would be relinquished.¹⁵ There are no other active leases or LPAs within 1,000 feet of the proposal.

¹² Application page 27

¹³ Chapter 2.90 (1)B includes a density standard that states "There can be no more than three (3) LPA licensed sites within a 1,000-foot radius of any other existing LPA licensed site." However, there is an exemption for gear placed within a lobster pound.

¹⁴ ACAR421, ACAR521, ACAR621, ACAR721, BELL122, BELL222, BELL322, BELL422, KPEP523, KPEP623, KPEP723, and KPEP823

¹⁵ Application page 15 and DMR email with license holders of BELL and KPEP LPAs dated March 11, 2025.

No evidence or testimony was given at the public hearing concerning other aquaculture uses of the area. Given that all active LPAs will be relinquished if a standard lease is approved, the proposed operation will not interfere with the operations of the existing lease or LPAs.

Therefore, the aquaculture activities proposed for this site will not unreasonably interfere with existing aquaculture operations in the area.

E. Flora & Fauna

When examining existing system support, the Commissioner considers the degree to which the use of the lease site will interfere with significant wildlife habitat and marine habitat or with the ability of the lease site and marine and upland areas to support ecologically significant flora and fauna (12 M.R.S.A. § 6072(7-A)(D); Chapter 2.37(1)(A)(5)).

Site observations. DMR scientists utilized a remotely-operated vehicle (ROV) to assess the epibenthic ecology of the proposed lease. Sand shrimp (*Crangon septemspinosa*), Eastern oyster (*Crassostrea virginica*), green crab (*Carcinus maenas*), and red seaweed (*Dasysiphonia japonica*) were observed to be common (SR 9).

Eelgrass. Historical records of eelgrass collected by DMR in 2010 indicate a patch of eelgrass approximately 232.96 feet southwest of the proposal.¹⁶ No eelgrass was observed within the proposal boundaries during DMR's site assessment (SR 10).

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). Data collected by the United States Fish and Wildlife Service in 2023 by aerial nest survey shows the closest mapped bald eagle nesting site to be approximately 0.84 miles northwest of the proposal.¹⁷

During the site visit, DMR observed a great blue heron (*Ardea Herodias*), herring gull (*Ardea herodias*), and American crow (*Corvus brachyrhynchos*) in the vicinity of the proposal (SR 10-11).

No evidence or testimony was given at the public hearing concerning significant flora and fauna in the area.

Based on the record, including the absence of eelgrass and mapped significant wildlife habitats, the proposed lease activities will not interfere with the ecological functioning of the area.

¹⁶ 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.

¹⁷ Data obtained from USFWS "Bald_Eagle_Nests_-_Maine_2023"

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

F. Public Use & Enjoyment

When examining interference with public facilities, the Commissioner considers the degree to which the lease interferes with public use or enjoyment within 1,000 feet of beach, park, docking facility, or certain conserved lands owned by the Federal Government, the State Government, or a municipal government (12 M.R.S.A. § 6072(7-A)(F); Chapter 2.37(1)(A)(7)).

The proposed lease is not within 1,000 feet of any beach, park, docking facility, or conserved lands owned by federal, state, or municipal governments (SR 12).

Therefore, the aquaculture activities proposed for this site will not unreasonably interfere with the public use or enjoyment within 1,000 feet of beaches, parks, docking facilities, or certain conserved lands owned by municipal, state, or federal governments.

G. Source of Organisms

When examining the source of organisms, the Commissioner shall include but not be limited to, consideration of the source's biosecurity, sanitation, and applicable fish health practices (12 M.R.S.A. § 6072(7-A)(E); Chapter 2.37(1)(A)(6)).

According to the application, American/eastern oyster (*Crassostrea virginica*) would be sourced from Downeast Research Institute (DEI) in Beals, Maine, Muscongus Bay Aquaculture in Bremen, Maine, or Mook Sea Farm in Walpole, Maine. These are currently approved sources for American/eastern oyster (*Crassostrea virginica*). The application states that European oyster (*Ostrea edulis*) will be sourced from the wild. At the hearing, the applicant stated that European oyster (*Ostrea edulis*) would not be cultured on-site until there is an approved hatchery for stock (Pepperman testimony). Therefore, the applicant has not demonstrated a source of stock for European oyster (*Ostrea edulis*), so this species would not be authorized if the lease is approved. If a hatchery for European oyster is approved by DMR, and if the lease is approved, the applicant can seek a species amendment from the Department.

The applicant proposes to obtain Atlantic sea scallop (*Placopecten magellanicus*) stock from the wild and from DEI. There are currently no approved hatcheries for Atlantic sea scallop (*Placopecten magellanicus*). At the hearing, the applicant stated that wild stock for this species would be obtained from Andrew Peters or Marsden Brewer (Pepperman testimony). Marsden Brewer has a current spat collection license, however, Andrew Peters does not. Therefore, any wild stock for sea scallops may only

be sourced from Marsden Brewer or another individual with a current DMR spat collection license for this species.

Lastly, according to the application, surf clam (*Spisula solidissima*) would be sourced from DEI (App 2). DEI is not currently an approved source for surf clams, however, there is an alternative DMR approved hatchery (Merrymeeting Shellfish Co.) for this stock. At the hearing, the applicant confirmed that if cultured, the stock for surf clams would only be obtained from an approved hatchery (Pepperman testimony).

Therefore, the applicant has demonstrated an available source of stock for American/eastern oyster (*Crassostrea virginica*), Atlantic sea scallop (*Placopecten magellanicus*), and surf clam (*Spisula solidissima*) to be cultured for the lease site. The applicant has not, however, demonstrated an available source of stock for European oyster (*Ostrea edulis*) to be cultured for the lease site.

H. Light

The Commissioner evaluates lighting in accordance with 12 M.R.S.A §6072(7-A)(G) and the regulatory standards specified in Chapter 2.37(1)(A)(8). The statute specifies that a lease must not result in an unreasonable impact from light at the boundaries of the proposed site. The applicable regulation imposes specific requirements related to lighting, including a requirement that the applicant demonstrate that all reasonable measures will be taken to mitigate light impacts associated with the lease activities.

According to the application, up to four headlamps may be used if work extends beyond daylight hours from October to March. In response to a question from DMR, the applicant stated that the lights will only be used in emergency circumstances (Pepperman testimony). Additionally, up to 3 light fixtures will be used within the floating shed. Chapter 2.37(1)(A)(8) is not applicable to lighting for emergencies or interior lighting.

Therefore, the proposed aquaculture activities will not result in an unreasonable impact from light at the boundaries of the lease site.

I. Noise

The Commissioner evaluates noise in accordance with 12 M.R.S.A §6072(7-A)(G) and the regulatory standards specified in Chapter 2.37(1)(A)(9). The statute specifies that a lease must not result in an unreasonable impact from noise at the boundaries of the proposed site. The applicable regulation imposes specific requirements related to noise, including a requirement that the applicant take all reasonable measures to mitigate noise impacts associated with the lease activities.

According to the application, two vessels with outboard motors, an electric tumbler machine, and a water pump are proposed for the lease operations. The application states that the equipment is consistent with the historic uses of the lobster pound. Additionally, the tumbler and water pump will be located inside the floating shed to minimize noise impacts (App 14).

Considering that the outboard motor noise is common for a working waterfront, and the additional equipment (tumbler and water pump) will be housed in the shed, the limited noise generated will not be an unreasonable impact.

Therefore, the aquaculture activities proposed for this site will not result in an unreasonable impact from noise at the boundaries of the lease.

J. Visual Impact

The Commissioner evaluates visual impact in accordance with 12 M.R.S.A §6072(7-A)(H) and the regulatory standards specified in Chapter 2.37(1)(A)(10).

According to the application, the ADPI bags, floats, lantern nets, and bottom cages are black. The proposed buoys are white or yellow, and the shed/float are wood-colored. In response to a question from DMR at the hearing, the applicant confirmed that if the project is approved, all surface gear, excepting corner marker buoys, will comply with the approved colors so anything that is currently proposed as yellow or white will either be gray, black, brown, blue, or green (Pepperman testimony).

Additionally, the applicant confirmed at the hearing that the proposed shed and float will comply with the approved color regulations and will not be reflective or glossy in appearance or composition (Pepperman testimony). The overall height of the shed on the float is 10.5 feet (App 36).

Lease sites must be marked in accordance with Chapter 2.80 of DMR's regulations, which specify that marker buoys must be yellow in color. If the lease is granted, the holder would be responsible for complying with these marking requirements.

Therefore, the equipment utilized on the proposed lease site will comply with the DMR's visual impact criteria.

4. CONCLUSIONS OF LAW

Based on the above findings:

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

- 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 or other uses of the area, including water-related uses.
- 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, docking facilities, or certain conserved lands owned by municipal, state, or federal governments.
- g. The applicant has demonstrated that there is an available source for American/eastern oyster (*Crassostrea virginica*), Atlantic sea scallop (*Placopecten magellanicus*), and surf clam (*Spisula solidissima*) to be cultured for the lease site. The applicant has not demonstrated that there is an available source for European oyster (*Ostrea edulis*) to be cultured for the lease site.
- h. The aquaculture activities proposed for this site will not result in an unreasonable impact from light at the boundaries of the lease site.
- i. The aquaculture activities proposed for this site will not result in an unreasonable impact from noise at the boundaries of the lease site.
- j. The aquaculture activities proposed for this site, as modified as discussed above to comply with Chapter 2.80 marking requirements and Chapter 2.37(1)(A)(10) gear color requirements, will comply with the visual impact criteria contained in DMR Regulation 2.37(1)(A)(10).

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.

5. DECISION

Based on the foregoing, the Commissioner grants a lease to The Flying Place Limited Liability Company for 5.60 acres for twenty years for the cultivation of American/eastern oyster (*Crassostrea virginica*), Atlantic sea scallop (*Placopecten magellanicus*), and surf clam (*Spisula solidissima*) using suspended and bottom culture techniques. The lessee shall pay the State of Maine rent in the amount of \$100.00 per acre per year. The lessee shall post a bond or establish an escrow account pursuant to DMR Rule 2.40 (2)(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. CONDITIONS TO BE IMPOSED ON LEASE

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).¹⁸ 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 condition will be imposed on this lease:

The leaseholder shall enter into a Memorandum of Understanding (MOU) with DMR's Bureau of Public Health and Aquaculture for biotoxin testing of surf clams and whole or roe on Atlantic sea scallop products prior to the harvest of any of these species.

7. REVOCATION OF LEASE

The Commissioner may commence revocation procedures upon determining, pursuant to 12 M.R.S.A §6072 (11), that no substantial aquaculture has been conducted over the course of the lease, that the lease activities are substantially injurious to marine organisms or public health, or that any of the conditions of the lease or any applicable laws or regulations have been violated.

Dated: 8.11.25



Carl J. Wilson, Commissioner
Department of Marine Resources

¹⁸ 12 MRSA §6072 (7-B) states: "The commissioner may establish conditions that govern the use of the leased area and limitations on the aquaculture activities. These conditions must encourage the greatest multiple, compatible uses of the leased area, but must also address the ability of the lease site and surrounding area to support ecologically significant flora and fauna and preserve the exclusive rights of the lessee to the extent necessary to carry out the lease purpose."