STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES

Gordon Robinson

Experimental Aquaculture Lease Application
Suspended Culture of Marine Algae
Casco Bay, Chebeague Island, Cumberland County

CAS EC2x

Findings of Fact, Conclusions of Law, and Decision

Gordon Robinson applied to the Department of Marine Resources (DMR) for a three-year experimental aquaculture lease on 3.97[1] acres located east of Great Chebeague Island, Casco Bay, Chebeague Island, Cumberland County. The proposal is for the suspended culture of sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail /fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*), dulse (*Palmaria palmata*), sea lettuce (*Ulva lactuca*) and Irish moss (*Chondrus crispus*).[2] The proposal is for commercial aquaculture research and development.

1. Proceedings

DMR accepted the final application as complete on September 15, 2023. Notice of the completed application and the 30-day public comment period was provided to state agencies, the Town of Chebeague Island, riparian landowners within 1,000 feet of the proposed site, and subscribers to DMR's aquaculture email listserv. On October 5, 2023, DMR sent a Harbormaster Questionnaire to the Harbormaster for the Town of Chebeague Island, requesting information about designated or traditional storm anchorages, navigation, riparian ingress and egress, fishing or other uses of the area, among other considerations and received a response from the Harbormaster on November 7, 2023. Notice of the complete application and comment period was published in *The Northern Forecaster* on October 5, 2023. Title 12 M.R.S.A. § 6072-A(6) provides that the Commissioner shall hold a public hearing if five or more persons[3] request a public hearing within the 30-day comment period. The comment deadline ended on November 4, 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 March 4, 2025, and the case file. The evidence from each of these sources is summarized below.

[1] Applicant originally requested four acres. DMR calculations in the site report, based on the provided coordinates, indicate the area is 3.97 acres (SR 2).
[2] Winged kelp is also commonly referred to as Alaria.
[3] 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 March 4, 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 the feasibility of culturing marine algae off the eastern shore of Great Chebeague Island (App 7). The applicant is proposing to culture sugar kelp, skinny kelp, winged kelp, horsetail /fingered kelp, shotgun kelp, dulse, sea lettuce, and Irish moss (App 5).

The applicant is proposing to culture marine algae from October 15 to May 31 using up to 15 long lines that measure 1,000 feet in length (App 7). The long lines would be deployed north to south, spaced 10 feet apart, and suspended seven feet below the surface of the water (App 7, 27). The long lines would be maintained at a depth of seven feet below the surface of the water using depth control devices composed of floats and counterweights (App 7). Power equipment proposed to be used on site is listed in Table 1 and includes a boat mounted hydraulic pot hauler which would be used for hauling the long lines during harvest (App 8).

Table 1. Power equipment proposed for use on the lease site.

Equipment	Description	Frequency of Use
Hydraulic pot hauler	Mounted to the lobster boat and used to haul in the long lines.	Three to five days during site seeding and five to ten days during site harvesting.

Marine algae would be seeded on the long lines between October 15 and the end of December (App 7). The applicant would be on site for three to five days during seeding periods (App 8). After seeding, marine algae would be monitored for growth and fouling at least twice a month and after any major storm

(App 8). During March and April, the frequency of site visits may increase to monitor growth and adjust the depths of the long lines as harvest approaches (App 8).

Harvesting would begin in April (App 7). The long lines would be hauled using the hydraulic pot hauler, mounted to the boat, and marine algae would be cut from the long lines by hand and placed into crates or bags on the deck of the boat (App 8). The applicant proposes to be on site for five to ten days for harvesting, which would be completed by May 31 (App 7 and 8).

After harvesting, all gear, except for moorings and lease boundary markers, would be removed from the site and stored on the applicant's private property from June 1 to October 14 (App 7). Mooring lines and chains would be sunk to the bottom of the lease site when not in use (App 7).

The applicant proposes to access the site via personal lobster boat or skiff which would be moored at Central Landing off Chebeague Island when not in use (App 17).

C. Site Characteristics

Description. On August 22, 2024, DMR scientists 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 Casco Bay approximately 891 feet east of Great Chebeague Island at mean low water (MLW) (SR 2). Water depths were determined to be between 48.8-69.5 feet (SR 2). Correcting for tidal variation derives depths at MLW to be between 42.8-63.5 feet (SR 2). Given these depths, the proposed site is in subtidal waters (SR 2).

The shore of nearby Great Chebeague Island consists of rock ledges, marsh grass, gravel sand beaches, and eroded dirt cliffs with mixed forest uplands (SR 2). DMR scientists observed the bottom characteristics of the proposed lease site via a remotely operated vehicle (ROV) (SR 2). The bottom of the proposed lease site is composed of fine unconsolidated substrate, or mud (SR 2).

Growing Area Classification. Growing Area Classifications are pertinent to bivalve shellfish species cultured and harvested for human consumption. The proposal does not include the cultivation or harvest of any bivalve shellfish species, so Growing Area Classifications do not apply. However, if the lease is granted, and bivalve shellfish were proposed to be added within the boundaries of the site through an authorized process, it is the responsibility of the leaseholder to comply with any harvest requirements applicable to the respective Growing Area.

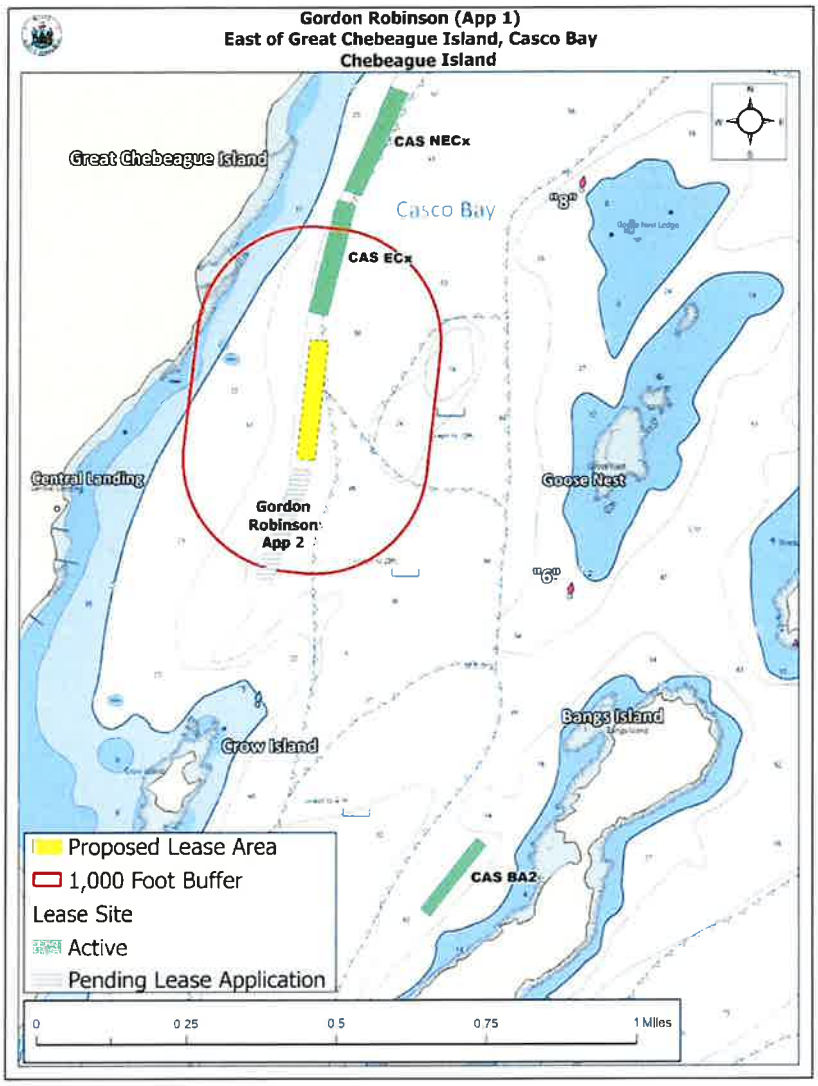

Figure 1. Proposed lease site and surrounding area. Image from DMR site report.[4]

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

[4] 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).

At MLW, the northwest corner of the proposed lease is located approximately 891 feet from the nearest shoreline on Great Chebeague Island (SR 5). The shoreline of Great Chebeague Island consists of rock ledges, marsh grass, gravel sand beaches, and eroded dirt cliffs (SR 2).

The application states that there are no docks within 1,000 feet of the proposed lease (App 10). There are up to three seasonal moorings located 0.25 miles to the west of the proposed lease (App 10). The application states that when the seasonal moorings are in use, the proposed site would not be in operation (App 10). The application does not expressly state what months the seasonal moorings are in use, but the proposed site would be in operation from October 15 through May 31, which suggests that the seasonal moorings could be in use anytime from June 1 through October 14.

During the site assessment on August 22, 2024, DMR scientists observed six moorings within 1,000 feet of the proposal with the closest located approximately 636 feet to the northwest (SR 5). The moorings were located near the shoreline of Great Chebeague Island to the west of the proposed site (SR 4). One mooring held a 45-foot sailboat and another held an inflatable dinghy (SR 5). The other four moorings were vacant at the time of DMR's site assessment (SR 5). DMR did not observe any docks or houses within 1,000 feet of the proposal (SR 5). Additionally, the experimental aquaculture lease, CAS ECx, is located approximately 230 feet to the north of the proposed site (SR 7). Granted on September 27, 2022, CAS ECx is a four-acre site held by Jeff Putnam that is authorized for the culture of marine algae from October 15 through May 31. From June 1 through October 14, long lines and depth compensator buoys are removed from CAS ECx. However, the site is marked year-round, and 20 mooring buoys remain within the boundaries of CAS ECx. This proposal would be in operation at the same time as CAS ECx and would also be marked year-round.

The Harbormaster Questionnaire states that the proposal would not affect the ability of any riparian landowner, whose property boundaries are within 1,000 feet of the site, to get to and from their property.[5] DMR did not receive any comments from other stakeholders concerning riparian ingress or egress.

Discussion. The proposal is located approximately 891 feet from the nearest shoreline on Great Chebeague Island. There are at least six moorings within the area with the closest being approximately 636 feet to the northwest of the site. The distances between the shoreline, observed moorings, and the proposed site would provide enough navigable areas for riparian landowners to safely access their shoreline at all times of year.

The application states that there are three moorings in the area, which are used seasonally (possibly from June 1 through October 14). However, DMR staff observed six moorings during the site assessment one was occupied by a 45-foot sailboat and another contained an inflatable dinghy. The holder(s) of the moorings are unknown, and it is unclear if all the moorings are used seasonally and if the seasonal use is limited to June 1 through October 14. For the reasons described in section 3(B) of this decision, if the lease is granted, the site would be conditioned so that all gear including lease boundary markers must be removed from June 1 through October 14.

If the lease is granted, from October 15 through May 31, when the site is active and required to be marked, vessels may need to change how they approach the moorings to the west of the site. For example, vessels may be required to navigate around the site rather than through it. However, there would be 230 feet of navigable area between the northern boundary of the site and southern boundary of CAS ECx. Given the type of vessels observed on the moorings, 230 feet would provide safe access to the moorings for mariners that may approach along the northern boundary of the site. A substantial area of open, navigable water extends south of the proposal, providing vessels with clear access to moorings.[6] The condition requiring that all gear including lease boundary markers be removed from June 1 through October 15 would have the added effect of allowing vessels to maintain their usual approach or otherwise travel through the lease area to access the observed moorings during the most active time of year for navigation.

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

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[5] The Harbormaster Questionnaire has since been updated to reflect *Maquoit Bay v. Department of Marine Resources*, 2022 ME 19, 271 A.3d 307 (Me. 2022), which held that consideration of riparian impacts is not limited to shorefront properties whose parcels are within 1,000 feet of the proposed lease site.

[6] Gordon Robinson has a second lease application ("App 2") pending to the south of this proposal. The second application is located approximately 59 feet to the south of this application.

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 proposed lease site is in subtidal, navigable waters (SR 5). Correcting for tidal variation, DMR scientists derived that depths at MLW to be between 42.8-63.5 feet (SR 2). There is approximately 891 feet of navigable water between the proposal and Great Chebeague Island to the west and approximately 2,447 feet of navigable water between the proposal and Goose Nest ledge[7] to the east (SR 5).

The application states that the proposal is located on the edge of a navigational channel used by boats to transit the area (App 10). The application states that boating activity on and near the proposed site is heavy from July through September (App 10). The application also states that during the winter months it would be rare to observe more than two boats navigating near the site (App 10). The application does not include the specific types of vessels that may be navigating in and around the proposed lease (App 10). In addition to boating, the application states that kayaking occurs in July and August primarily along the shoreline of Great Chebeague Island, but that no kayaking has been observed within the boundaries of the proposal (App 10).

The application states that the proposal was sited to provide for navigable areas on all sides of the proposed lease and that most gear would be removed from the site from June 1 through October 14 to allow for navigation within the boundaries of the proposed lease area (App 10). According to the application, there is a boatyard 0.8 miles southwest of the proposed site and a mooring field, associated with the boatyard 0.4 miles southwest of the proposal (App 10). The application specifies that after mid-October the boatyard and mooring field are mostly empty and unused (App 10).

The Harbormaster Questionnaire states that the proposal would not interfere with navigation and that there are no permitted moorings within the boundaries of the proposed site. DMR did not receive any other comments concerning navigation. During DMR's site assessment on August 22, 2024, scientists observed two powerboats navigating along the Bangs Island shoreline, two powerboats navigating along the Chebeague Island shoreline, one kayak and one rowboat transiting near the Chebeague Island shoreline, one sailboat under power and two powerboats leaving a mooring field on Chebeague Island southwest of the proposal (SR 5). DMR's Site Report states that based on the mapped location of green navigational buoys, labeled "5" and "7", the southeastern corner of the proposal is located approximately 45 feet within

[7] Based on the NOAA nautical charts in the site report, Goose Nest is a ledge and referred to in the decision as Goose Nest ledge.

the navigational channel (SR 5). Based on nautical charts, there is a shoal,[8] within the navigational channel, east of the proposed site. There were also several lobster buoys observed to the east of the proposal within the navigational channel (SR 4).

Additionally, the experimental aquaculture lease, CAS ECx, is located approximately 230 feet to the north of the proposed site (SR 7). CAS ECx is a four-acre site held by Jeff Putnam that is authorized for the culture of marine algae from October 15 through May 31. From June 1 through October 14, long lines and depth compensator buoys are removed from CAS ECx. However, the site is marked year-round, and 20 mooring buoys remain within the boundaries of CAS ECx. This proposal would be in operation at the same time as CAS ECx and would also be marked year-round.

Discussion. If the application was granted as proposed, the site would be in active use, with marine algae long lines deployed, from October 15 through May 31. From June 1 through October 14, the marine algae long lines and associated depth control buoys would be removed, but the lease boundary markers would remain in place. The southeastern corner of the proposal would also be approximately 45 feet within the navigational channel. The application characterized the frequency of vessel traffic in the proposed lease boundaries and surrounding area as heavy from July through September. Although boating activity was described as less frequent in the winter months, the site would be in active use and required to be marked in early fall and throughout spring. The application does not indicate the frequency of vessel traffic in early fall or throughout spring; however, based on patterns observed at other times of the year, vessel traffic likely declines during the winter months and increases again as warmer weather returns. Additionally, there is a shoal within the navigational channel, to the east of the site. The shoal would reduce the available navigable water for vessels. Lobster buoys are also deployed to the east of the site, within the navigational channel. Mariners generally try to avoid lobster buoys because catching a line could damage a vessel or the lobster trap. The shoal, lobster buoys, and a portion of the site being in the navigational channel would further reduce the available area for vessels to navigate.

The site would also be marked year-round, which may lead vessel operators to assume that the lease area is occupied by submerged gear or other structures. Therefore, it is possible that vessel operators would generally avoid navigating through or near the boundaries of the marked lease area. The application described vessel traffic as being heavy in the area from July through September and during DMR's site assessment, in August, many vessels were observed transiting the area. Based on the application, it is also possible that there may be additional vessel traffic in the area, associated with a boatyard and mooring field, during the summer months. Additionally, CAS ECx is required to be marked year-round, and 20 interior

[8] A shoal is a submerged ridge or bank of sand, gravel, or other material that rises from the bed of a body of water toward, or in some cases above, the surface. Shoals are also commonly referred to as sandbanks, sandbars, gravel bars, or bars, and they can present hazards to navigation.

buoys would be present from June 1 through October 14. If this application was granted as proposed, the possibility of navigational interference may increase as both sites would be marked and could appear occupied to mariners at times of year when vessel traffic is heaviest. Mariners may avoid both sites creating vessel congestion and other conditions that significantly interfere with navigation in the area.

Pursuant to 12 M.R.S.A. §6072-A(15) and Chapter 2.64(11)(B), the Commissioner may establish conditions and any reasonable requirement, on the lease, to mitigate interference. In this case, the interference to navigation could be reasonably mitigated by reducing the boundaries of the proposed site, so that it is not within the navigational channel. Additionally, conditioning the lease to require that lease marker buoys, including all gear, be removed from June 1 through October 14 would ensure that vessel operators know and can safely navigate through and around the lease area. If the lease is granted, the boundary will be reduced so it is no longer within the navigational channel, and the lease will be conditioned so that all gear including boundary markers must be removed from June 1 through October 14. With these conditions in place, there will be adequate space for existing navigation practices to continue without undue interference.

Therefore, the aquaculture activities as modified and conditioned 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 of the area, including water-related uses. Chapter 2.37(1)(A)(3).

Fishing. The application states that no commercial fishing has been observed within the boundaries of the proposed lease, but that a minimal amount of lobster fishing occurs within 1,000 feet of the proposed site during the summer (App 10). The application states that up to ten traps may be deployed near the site during the summer months (App 10). No commercial fishing occurs near the proposed site during the winter (App 10). During DMR's August 22, 2024, site assessment, scientists observed light lobstering activity within the vicinity of the proposal (SR 6). There were 12 lobster buoys in the vicinity of the site, and nine within 1,000 feet of the proposed site, with the closest buoy located approximately 297 feet east of the proposal (SR 6). DMR scientists also observed a lobster boat working to the east of the proposal (SR 6). The Harbormaster Questionnaire states that there is limited recreational fishing in the area, however not during the proposed growing season (October 15 through May 31). No other comments were received concerning commercial or recreational fishing.

Commercial lobstering and recreational fishing occur in the vicinity of the proposed lease. Based on the record, most of the fishing activity occurs at a time of year when the site would not be active (June 1 through October 14). The application characterizes commercial lobster fishing as minimal, and the Site Report documented a light amount of lobster fishing in the vicinity of the site. Given the minimal level of fishing activity, the location it occurs relative to the proposal which would allow adequate space for the activity to continue without undue interference and given that the fishing typically occurs when the site is not active, the proposal would not unreasonably interfere with commercial or recreational fishing in the area.

Other Uses. The application states that during July and August kayaks have been observed transiting the area near the shores of Great Chebeague Island, and no kayaking has been observed within the proposed site boundaries (App 10). No swimming has been observed within the lease boundaries (App 10). During DMR's August 22, 2024, site assessment, scientists observed one kayak transiting near the Great Chebeague Island shoreline (SR 5). The proposed lease is approximately 891 feet from the nearest shoreline on Great Chebeague Island. Kayaking and swimming are activities that tend to occur during warmer months of the year, and the site would be active from October 15 through May 31. Given the distances from shore and the time of the year the proposed site would be active relative to when kayaking and swimming are most likely to occur, it would not unreasonably interfere with those uses.

Additionally, for the reasons described in section 3(B) of this decision, if the lease is granted all gear, including boundary markers, will be required to be removed from June 1 through October 14. This requirement may also have the added effect of making the entirety of the proposed lease area available for other activities during that timeframe.

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).

There is one aquaculture lease within 1,000 feet of the proposed lease site, CAS ECx, which is located approximately 230 feet north of the proposal (SR 7). CAS ECx, held by Jeff Putnam, is a four acre experimental lease authorized for the culture of sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp *(Alaria esculenta*), horsetail /fingered kelp (*Laminaria digitata*), shotgun kelp

(*Agarum clathratum*), dulse (*Palmaria palmata*), Irish moss (*Chondrus crispus*), nori/laver (*Porphyra sp.), Gracilaria tikvahiae*, and sea lettuce (*Ulva lactuca*) using suspended culture techniques. Marine algae is cultivated on the site from October 15 through May 31 and all gear except for 20 mooring buoys and site markers are removed from June 1 through October 14. There is another 3.86-acre experimental lease, CAS NECx, to the north of CAS ECx, which is held by Beth Putnam. CAS NECx is also authorized for the culture of marine algae, from October 15 through May 31, using suspended culture techniques. CAS NECx is also required to be marked year-round and 20 mooring buoys may remain on the interior of the site from June 1 through October 14.

There are no other aquaculture sites in the immediate vicinity of the proposal. However, during the August 22, 2024, site assessment, scientists observed two aquaculture buoys labeled with the lease acronym CAS ECx, which were approximately 24 and 189 feet west of the proposal (SR 7). These appeared to be mislocated marker buoys, and the observation was reported to the Aquaculture Inspection Program for appropriate follow-up (SR 7).

This proposal is for the culture of marine algae, from October 15 through May 31, and involves operations that are consistent with the existing sites: CAS ECx and CAS NECx. However, both CAS ECx and NECx are required to be marked year-round, and they both have buoys deployed within their respective boundaries from June 1 through October 14. Therefore, mariners may assume that both of those sites are active during that timeframe, when vessel traffic in the area may be heaviest. If this lease were granted as proposed, it would also be marked year-round, which could have adverse effects on navigation in the area as an additional 3.97 acres would appear occupied. However, those concerns are discussed in section 3(B) of this decision and if this site is granted, the boundaries will be reduced, and a condition will be added requiring that all gear including site markers be removed from June 1 through October 14.

Therefore, the aquaculture activities as modified and conditioned 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. On August 22, 2024, DMR scientists conducted a site assessment utilizing a ROV to assess the epibenthic ecology of the proposed lease (SR 8). 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.

Species Observed	Abundance
Sand shrimp (*Crangon septemspinosa*)	Common
Rock crab (*Cancer irroratus*)	Rare
Rockweed (*Ascophyllum nodosum*)	Rare
Siphoned feather weed (*Dasysiphonia japonica*)	Rare

Marine Vegetation. Historical records collected in 2022 show that eelgrass was present within 1,000 feet of the proposed site (9). In 2022, the closest mapped eelgrass was approximately 795 feet to the northwest of the proposal (SR 9).

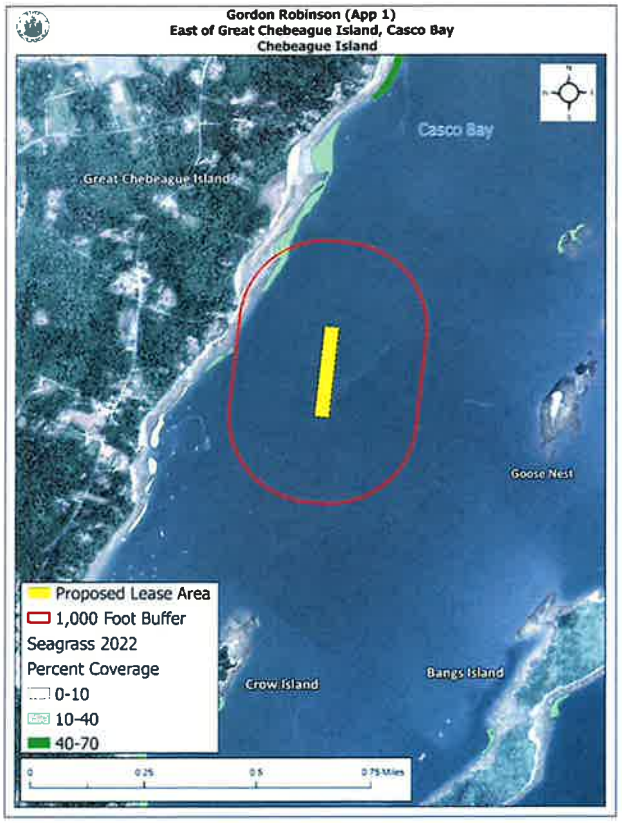

Figure 2. Mapped eelgrass concentrations in the vicinity of the proposed lease site. Image taken from DMR's site report (SR 9).

During DMR's August 22, 2024, site assessment, eelgrass blades were observed floating on the surface of the water in the vicinity of the proposal (SR 9). DMR did not observe any eelgrass on underwater camera footage within the proposal boundaries (SR 9).

Historic records indicate that eelgrass has been present in areas near the shoreline in shallower water depths. DMR scientists also observed detached blades floating in the vicinity of the proposal, which suggests eelgrass may be present in the area. However, based on most recent mapping, eelgrass has not been documented within the proposal boundaries, and it was not observed on the underwater camera footage during the site visit.

Wildlife. During the August 22, 2024, site assessment, DMR scientists observed double-crested cormorants (*Nannopterum auritum*), herring gulls (*Larus argentatus*), black guillemot (*Cepphus grylle*), a loon (*Gavia immer*), a gray seal (*Halichoerus grypus*) and a harbor seal (*Phoca vitulina*) in the general vicinity of the proposal (SR 10).

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), there is Tidal Waterfowl and Wading Bird Habitat (TWWH) approximately 789 feet northwest of the proposal (SR 10). 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 two miles south of the proposal (SR 10).

In accordance with applicable law, a copy of the completed application and opportunity to comment was sent to IFW. On November 2, 2023, a Resource Biologist with IFW stated that minimal impacts to wildlife are anticipated for this proposed lease. No other comments concerning flora or fauna were received. The proposed site is 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, 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 application proposes to source sugar kelp, skinny kelp, winged kelp[9], horsetail /fingered kelp, shotgun kelp, dulse, sea lettuce, and Irish moss from Atlantic Sea Farms (ASF) (App 5). ASF is currently an approved source of stock for all listed organisms being proposed to be cultured on site.

Therefore, the applicant has demonstrated that there is an available source of stock 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 11).

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 as modified and conditioned 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 as modified and conditioned, 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.

[9] Approved source name is "Alaria."

g. The applicant has demonstrated that there is an available source of stock to be cultured for the lease site.

Accordingly, the evidence in the record supports the conclusion that the proposed aquaculture activities as conditioned and modified 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 Gordon Robinson, for 3.00 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 updated acreage and coordinates are in section 8 of this decision.

This lease is granted to the lessee for the cultivation of sugar kelp (*Saccharina latissima*), skinny kelp (*Saccharina angustissima*), winged kelp (*Alaria esculenta*), horsetail /fingered kelp (*Laminaria digitata*), shotgun kelp (*Agarum clathratum*), dulse (*Palmaria palmata*), sea lettuce (*Ulva lactuca*) and Irish moss (*Chondrus crispus*) 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 conditioned upon performance of the obligations contained in the aquaculture lease documents and all applicable statues 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.

The following condition is placed on this lease:

1. All gear including site marker buoys must be removed from June 1 through October 14.

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: 1.26.2026

Carl J. Wilson, Commissioner

Department of Marine Resources

Appendix

Granted Lease Coordinates: (WGS 84) – 3.00 Acres

Corner	Latitude	Longitude	
NW	43.74045°	-70.09922°	then 122 feet at 93°True to
NE	43.74042°	-70.09876°	then 1,059 feet at 186° True to
SE	43.73753°	-70.09915°	then 125 feet at 277° True to
SW	43.73756°	-70.09962°	then 1,059 feet at 6° True to NW