



## APPLICATION FOR CHANGE IN AUTHORIZATION FOR SPECIES and/or GEAR



Lease Acronym	DAMBN
Leaseholder	Johns River Shellfish, LLC
Contact Person	Dave Cheney
Address	1 Chickadee Way
City	New Harbor
State, Zip	ME 04554
Telephone	207-350-0847
Email	johnsriveroyster@tidewater.net

USACOE Permit #NAE-2013-00154

What type of amendment are you requesting (check one)?

Gear amendment only

**Instructions:** Review and complete sections 2, 3 and 4 of this application

Species amendment only

**Instructions:** Review and complete sections 1, 3 and 4 of the application

Gear and species amendment

**Instructions:** Review and complete each section of the application


Johns River Oyster, Inc.  
Lease: DAM BN @3.35 acres  
Upper Damariscotta River

### **Aquaculture Lease Amendment Application: Gear Addition 2022**

This application is for 1 shellfish holding raft and 5000 Flip farm hexcyl baskets. A raft could be in place by June 2022 but the conversion from large wire oyster gro cages to flip farm baskets is outlined on a timeline within this application.

I have grown oysters on this site since 2011; in February 2015 I attained permission for a standard lease. My growing experience has led me apply for permission to use hexcyl baskets from New Zealand, know as a Flip Farm System. I hope to get DMR permission to use 750 of them in 2022 on the same long-lines as my Oyster Gro cages. As my wire oyster cages wear out I hope to replace them with Flip Farm units. I have several empty long-lines on south section, which is too shallow to use wire cages. This location is an ideal nursery for my hatchery spat purchased every June. Because there is little boat traffic or wave action the fast growing seed grows so fast the shells actually bond with other single seed oysters into what mimics wild clumps. My crew then must remove these "doubles" and stop tumbling operations to physically break each oyster back into singles. This results in lost productivity and high mortality rates. The flip farm system should prevent this from occurring. The MBA farm across the channel used flip farm baskets in 2021 and I didn't observe and doubles in their seed.

Attaching a hexi cat shuttle alongside our aluminum boats can flip these hexcyl baskets. This new invention allows one operator to run down the long-line of baskets and the helix frame flips the baskets like a roller coaster ride, saving time and lower back pain! Technology in aquaculture is constantly evolving and I have always embraced innovations. Cages are designed in Canada, soft bags in France and hexcyl baskets in New Zealand. Aquaculture requires capital investment and I want to use the most efficient gear to make work conditions safe and productive for my employees.

Thanks for your consideration, David Cheney 

(1)

Application for change in authorization of gear in 2022

From: Johns River Oyster

Lease: DAM BN @ 3.55 acres

**2021 / Currently:** 2 rafts

355 oyster gro cages, 2 rafts 20' long x 24' wide x 3' tall, 100 wood trays June- Aug,

**2022:** seeking permission for 750 hexcyl cages and new shellfish raft 20' x 14' x 3' & 100 wood trays, *325 oyster gro cages*

**2023:** 1500 hexcyl cages, 3 rafts, 275 oyster gro cages, 100 wood trays

**2024:** 3 rafts, 3000 hexcyl cages 200 oyster gro cages

**2025:** 3 rafts, 4000 hexcyl cages & 125 oyster gro cages

**2026:** 3 rafts, 5000 hexcyl cages

I've never used flip farm hexcyl cages but because of the ease of flipping and my lower back stress, I envision a transition from large wire oyster gro cages to lighter, smaller hexcyl baskets ; as my older gear wears out and is replaced by new technology which a male and female workforce can manage more efficiently. Scheduled changeover from oyster gro to hexcyl: Lease configuration would remain the same , helix anchors are in place and rope would be ungraded from 1/2" to 15/16" diameter, large 250 liter black floats hold each end of every longline. B section is close to bridge, lines 1-11 start from the East shore. Lines 1-3 in 2022, lines 4-6 replaced in 2023, A-Section is raft section: lines 7-11 & Line A-1 in 2024, A-2 & A-3 in 2025, Lines A-4 & A-5 in 2026.

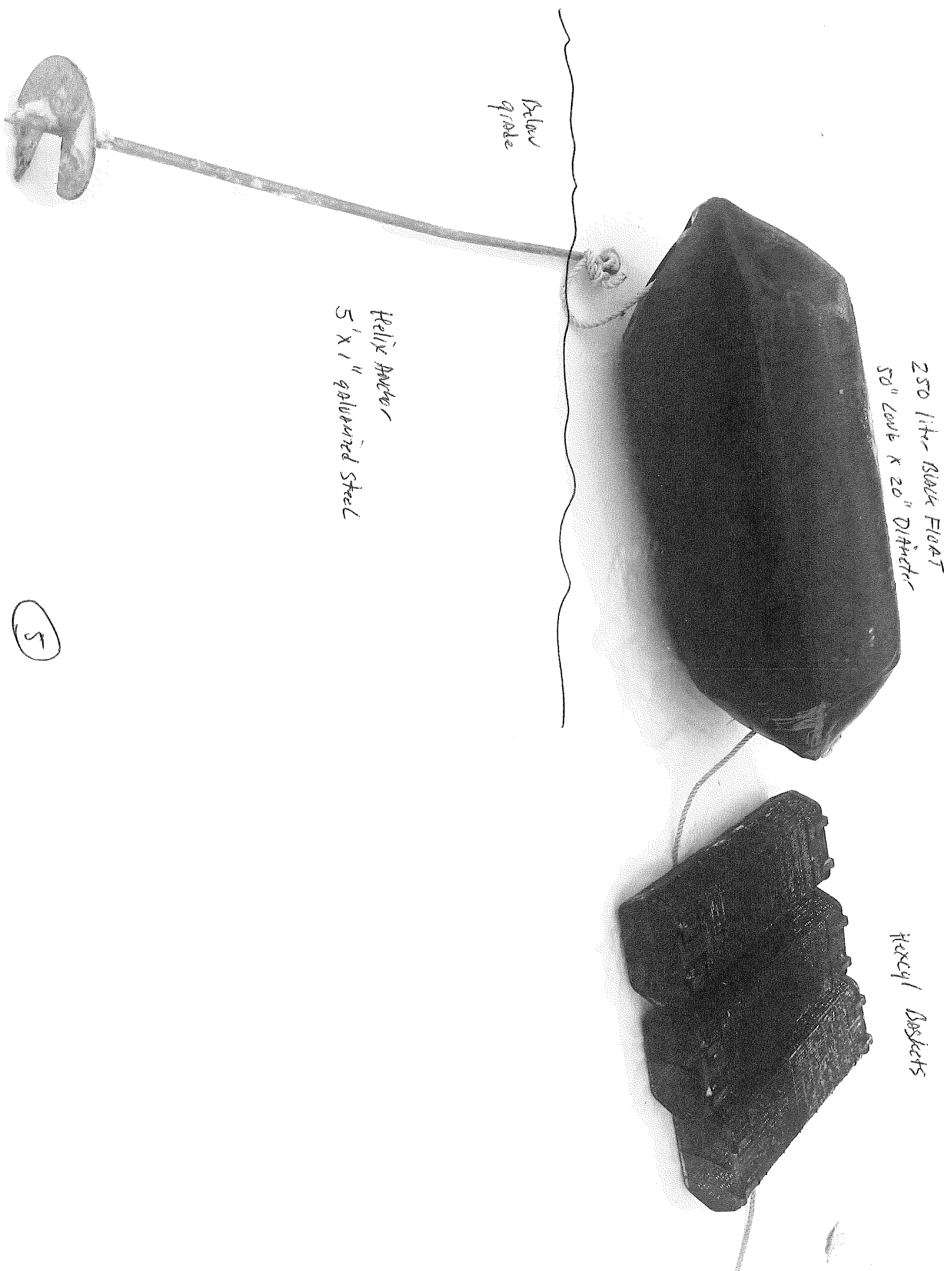
## 2. GEAR CHANGES

**GEAR INFORMATION:** Describe each gear type you wish to add to or remove from your current gear plan.

Specific Gear Type (e.g. soft mesh bag)	Add or Remove	Dimensions of Gear Added or Removed (e.g. 16"x20"x2")	Dates That Gear Will Be in The Water (Added gear only)
Flip farm	Add	30" x 11" x 8"	12 months

\*\*\* Attach the following drawings showing the proposed new gear. Use the plans in your Army Corps permit and/or DMR lease application as a starting point. Be sure to include:

- A • **Layout plan** showing:
  - placement of existing and new gear on lease site
  - north arrow
  - lease corners labeled
  
- B • **Cross-section view** showing:
  - mooring gear and
  - other gear
  - depths at MLW and MHW
  
- C • **Drawing of an individual piece of each new gear**, including:
  - dimensions and
  - materials and
  - numbers of each type of gear to be added



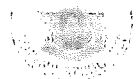
250 liter RUBBER FLOAT  
50" LONG X 20" DIAMETER

Hexcy Baskets


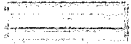

Below  
grade

Helix Anchor  
5' x 1" galvanized steel

5



Legend

-  Prohibited Area
-  Restricted Area
-  Conditionally Approved

Newcastle

Salt Bay

The Conditionally Approved area shall be closed during any malfunction at the Great Salt Bay STP (Mills Facility)

Proposed site  
DAM BN

A.1

The Narrows

Route 1 Bridge

A.2

Damariscotta

Damariscotta River

Jacks Point

Norris Point

green 'C 23' buoy

A.3

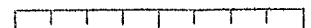
Days Cove

Chase Point Ln

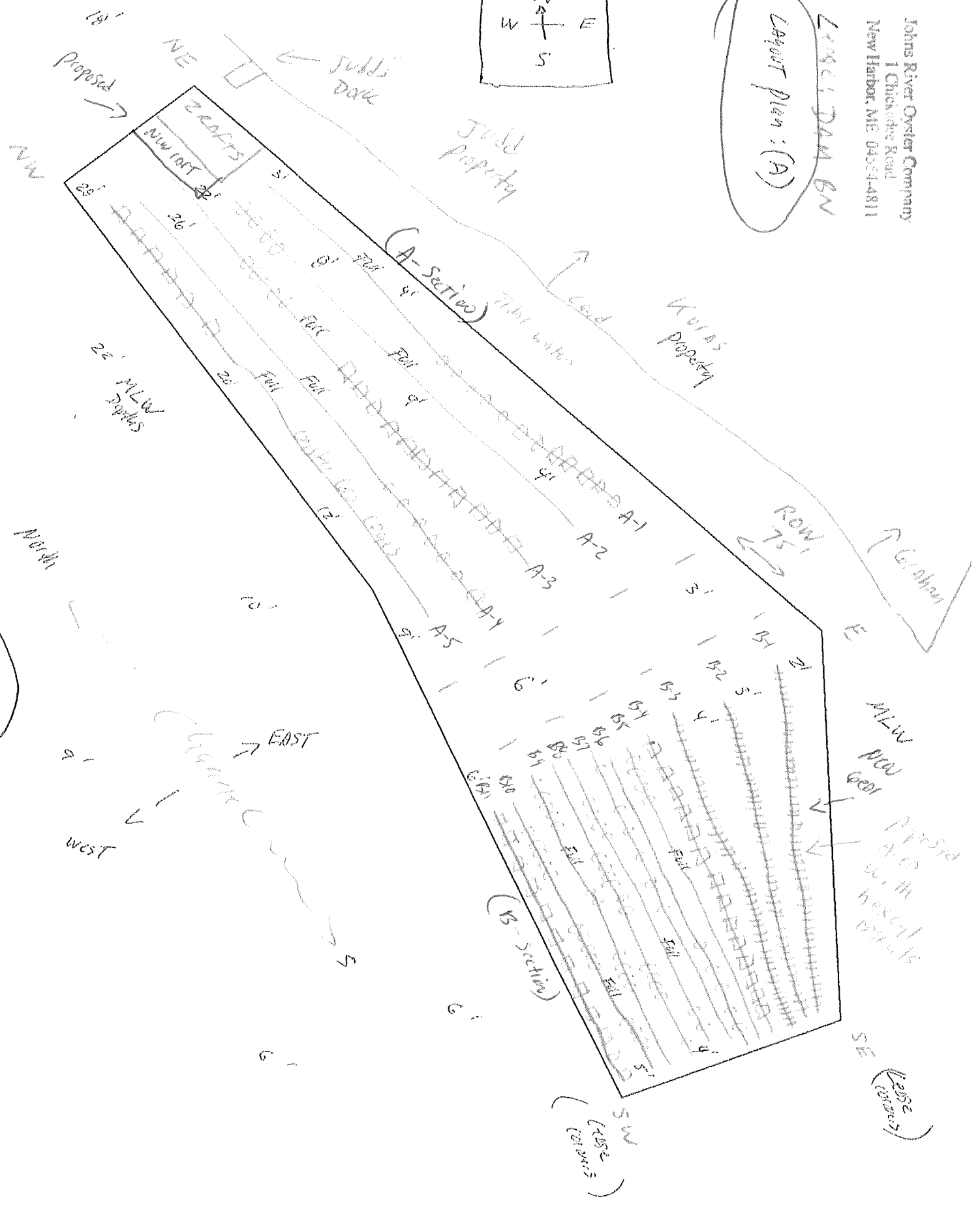
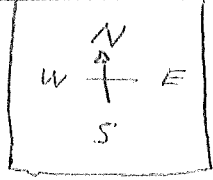
Hall Pt

A.4

Huston Cove



L2821, DAM BN  
 LAYOUT PLAN: (A)



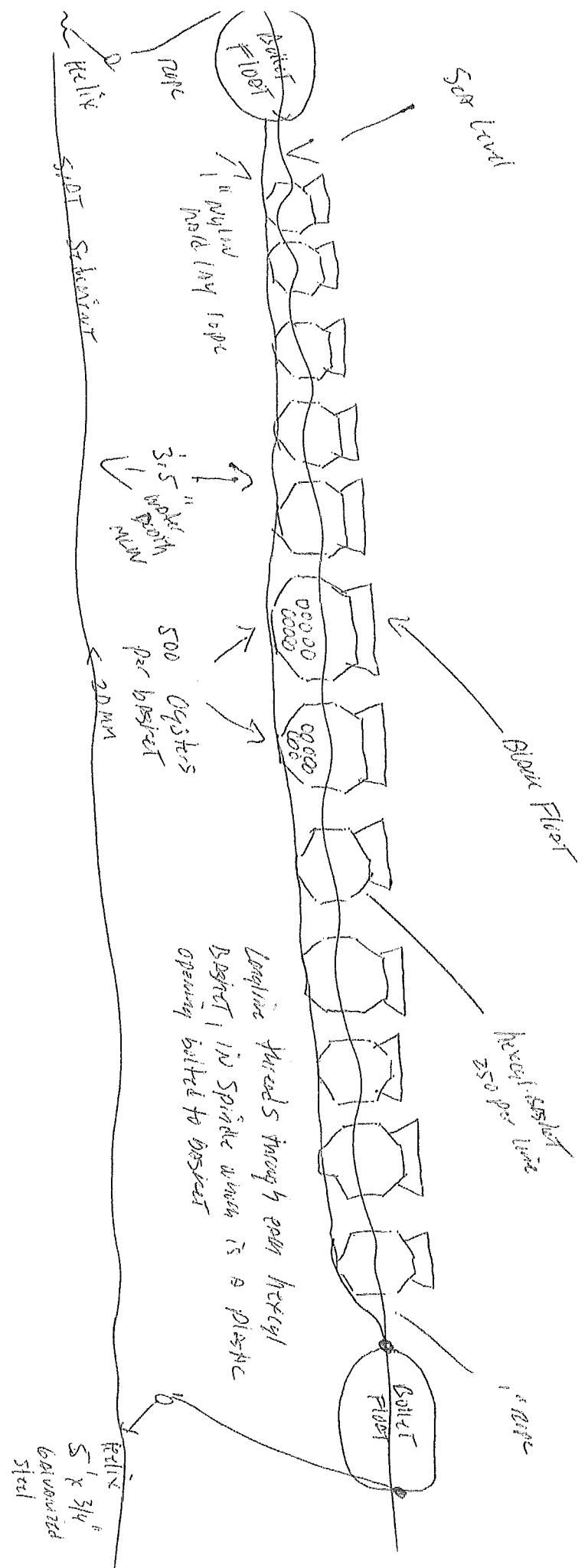
Page 2

Sheet 14

RT 1 Bridge → No. 14

Longline 300' long  
 250 baskets, 25' average size of line  
 water 3.5' max  
 water deeper at 200' end, 5' x 3/4" galvanized steel  
 (3 lines in use June 7, 2022)  
 Oyster grow lines will be replaced over time, as feasibility study  
 and wire cages (UST and need to be replaced.

(B) CROSS SECTION VIEW



MHW 6-7'  
 150 cthr string line basket  
 Float on 200' end of longline  
 Longline 300' x 1" galvanized  
 steel long rape

Longline threads through each helix  
 basket, in spiral which is a plastic  
 opening bolted to basket



(C)

Drawing of new gear type

Johns River Oyster Company  
1 Chickadee Road  
New Harbor, ME 04854-4811

Picture:

Individual piece of gear

Hexcyl Basket - plastic

Flip Form System

Dimensions:

29" x 11" x 7"

Door opened in picture

100' in black plastic, 5 mm mesh openings

surface gear, 3.35 acres, DAN BN Lease

currently 365 oyster gear cages

2022 ?

proposed 750 hexcyl baskets  
no bottom culture

2023

proposed 1250 hexcyl baskets  
about 525 oyster gear cages

2024

proposed 1500 hexcyl baskets, 300 oyster gear cages  
\* Add 20' x 14' x 3' shellfish raft

Hexcyl Baskets: Black in color

"Ultra tough plastic, strong, resistant in sub zero climate"

Complete responses to the following questions (attach a separate sheet if needed):

1. How does adding this gear change your existing operations?

Adding another RAFT Attached to existing 2 RAFTS will appear as one large structure. It will allow me added space to store equipment + give workers more room to work. Flip Farm system is a gear change and must be documented with DNR. Flip Farm is a new technology to reduce heavy lifting by use of smaller baskets. Gear will change from big wire cages (oyster bro) to Flip Farm starting June 2022 - 2026 toward total replacement as wire cages wear out. 5000 hex cyl baskets by 2026.

2. Describe any changes in the number of trips to the lease site per day. If none, please write "none."

This 3.35 acre lease is a seed nursery site. Operations won't change. Our number of trips per day will be the same. We access the site from Rt 1 Bridge Access Road where we park 4x4 Trucks as the trail is muddy + steep. We have a boat on a haul off, the lease is 250' away. 1-5 employees work 6am-5pm, 5 days a week, May 5 - Oct 31 - Peak season. We work weekends when needed. Lease is closed Dec 20 - March 1.

3. Describe any changes in noise and level of on-site activity. If there are no changes, please write "none."

New RAFT will have no machinery or change of operations. This RAFT will create a larger footprint 20' x 38' x 10'. All secured together + within lease boundary on the NE corner. Flip Farm system is faster + more efficient. We can manage oysters with less work hours. Specialized gear mounts to our existing 2 boats + has no engines to make noise. It replaces hand flipping of oyster gear cages.

4. Will gear remain on site during the winter?

Yes

No

If you selected "yes" use the space below to describe your overwintering plans. Please include the dates for overwintering.

NOV 21 this farm is closed for operations. RATS are removed. Oyster Cero cages are sunk in place when the caps are removed + the pontoons fill with water. These new hexcyl pods will also be sunk in place, by removing an air cap + flooding.

5. If your current lease activities do not include the culture of shellfish in suspended gear and you are requesting to add gear for the culture of shellfish, please complete this section.

Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. In order to comply with the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), DMR is requiring that applications for the suspended culture of shellfish include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds at the proposed site. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Submerging suspended gear and associated product at a depth sufficient to deter roosting for two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- The site is proposed for the culture of seed only
- The site is proposed for the culture of adductor-only scallops (i.e. no other shellfish species would be grown on the site)
- Proposed gear would always be suspended below the surface of the water at a depth sufficient to deter roosting (i.e. as is common for scallop lantern nets)

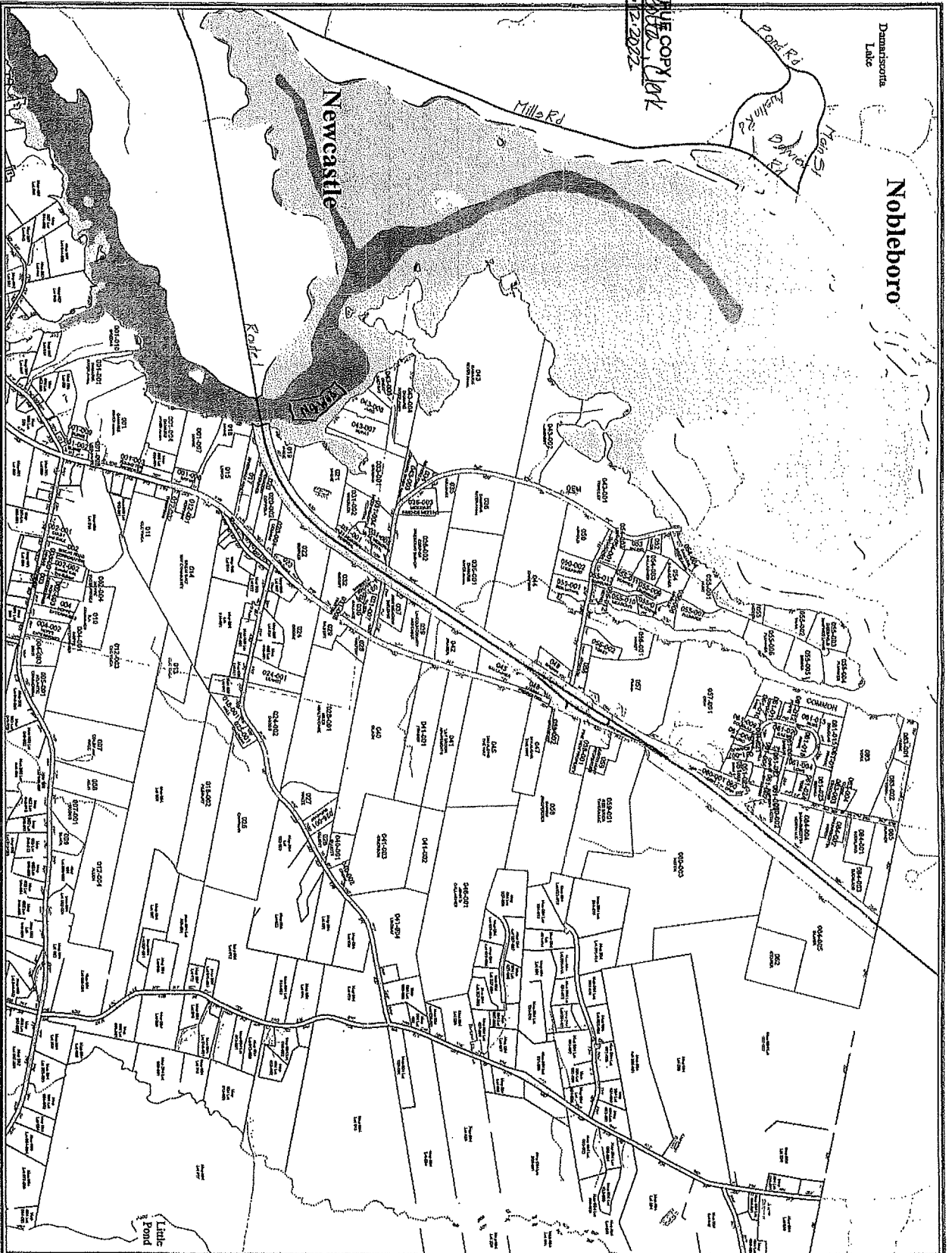
See next page.

Application for change in authorization of gear 2022  
Johns River Oyster  
DAM BN

#5 Suspended culture measures to deter birds from roosting and impact of their waste of shellfish:

This 3.55 acre site is our spat nursery, oysters grown here in surface cages and flip farm system are seed oysters and are not sold within 2 weeks of harvest. If we grade seed and sort out market size these oysters from surface culture, they are held in shellfish rafts not surface floating cages or hexcyl baskets. Our rafts have solid wood tops and oysters are held below in wire cages within these rafts several feet below the water's surface. These oysters are relayed to Johns River prior to sales and no oysters were sold or consumed from this lease in 2020-2021.

ATTEST A TRUE COPY  
of the original  
Date: 01.12.2022



**Property Map**  
Damariscotta  
Maine



1 inch = 500 feet



**Legend**

- Closed Books
- Adjacent Books
- Property
- State Highway
- Public Road
- Private Road
- Railroad
- Water
- Unimproved Land
- Other

**NOT A BOUNDARY SURVEY**  
For Assessment Purposes  
Not to be used for Conveyance

April 1, 2019

prepared by  
TERRACON CONSULTANTS, LLC  
WILSON, MAINE

**Map 003**

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### 3. Tax Maps and Riparian List

Is your existing lease within 1,000ft of shorefront land (which extends to mean low water or 1,650 ft. from shore, whichever is less)?

Yes

No

If yes, the following supporting documents are required:

#### A. Tax Map

A labeled copy of the appropriate tax map(s) depicting the location of the proposed lease site.

The map(s) needs to include the following elements:

- Label the map "Tax Map: Town of (name of town)."
- Legible scale
- Tax lot numbers clearly displayed
- The boundaries of the existing lease

#### B. Riparian List

Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000 feet of your existing lease. Have the tax collector or clerk of the municipality certify the riparian list.

## Riparian Landowner List- Certified

Town of: **Damariscotta**

List of all riparian's within 1000' of lease DAM BN.

Town clerk certified list on : 1/12/2022

**Map 3, Lot # 43-5**

Great Salt Bay, LLC Andrew Moses The Meurice, 145W 58<sup>th</sup>  
Street Apt # PH1, New York, NY 10019

**Map 3, lot #43-6**

William H Judd 111  
12 Midden Way, Damariscotta, ME 04543

**Map 3, Lot #43-7**

Mark Francis Kuras  
158 Malone Road, Salt Point, NY 12578

**Map 3, Lot #033-001**

Joel H. Graham & Nancy J.  
64 Belvedere Road, Damariscotta ME 04543

**Map 3, Lot #017**

Todd & Heather Salvage  
574 Main Street, Damariscotta, ME 04543

**Map 3, Lot #015**

Martha K. Lynch  
562 Main Street, Damariscotta, ME 04543

**Map 3, Lot 019**

State of Maine, Dept of Inland Fisheries & wildlife  
41 State House Station, Augusta, ME 04333

**Map 3, Lot # 021**

Dept. of Inland Fisheries & Wildlife  
41 State House Station, Augusta, ME

**Map 3, Lot # 018**

State of Maine, Dept. of Inland Fisheries & Wildlife  
41 State House Station Augusta, ME

**Map 3, Lot #043**

Damariscotta River Association, Coastal Rivers Conservation Trust, PO Box 333, Damariscotta, ME 04543

**Map 3, Lot # 043-4**

, Coastal Rivers Conservation Trust, PO Box 333, Damariscotta, ME

**Map 3, Lot # 031-002**

Adam C. Wheeler  
16 Victoria Road, Camden, ME 04843

**Map 3, Lot # 003-020**

, Coastal Rivers Conservation Trust  
PO Box 333, Damariscotta, ME 04543

**Map 3, Lot # 020-002**

William Coppola  
45 Beach Street, Rockland ME 04811

**Certification**

I, Rebecca J. Bartolotta, Town Clerk of Damariscotta certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date

Signed R. Bartolotta Date: 01.12.2022



**RIPARIAN LANDOWNER LIST**

*\*THIS LIST MUST BE CERTIFIED\**

On this list, please show the current landowners' names and mailing addresses as listed in the municipal tax records for all riparian shorefront parcels within 1,000 feet of the existing lease site along with the map and lot number for each parcel. **It is the applicant's responsibility to assemble the information for the Town Clerk to certify.** The Town Clerk only certifies that the information is correct according to the Town's records. Once you have completed the form, ask the Town Clerk to complete the certification section below. If the parcels are within more than one municipality, provide a separate, certified riparian list for each municipality.

TOWN OF: DANARISCOLTA

MAP #	LOT #	Landowner name(s) and address(es)
<u>003</u>	<u>001-007</u>	<u>State of Maine - Dept. of Inland Fisheries</u> <u>41 State House Station</u> <u>Augusta ME, 04333</u>

**Please use additional sheets if necessary and attach hereto.**

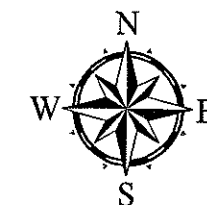
**CERTIFICATION**

I, Heather Dube - Dep. Town Clerk for the Town of Danariscotta certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

SIGNED: Heather Dube DATE: 2/7/2022

(17)

# Property Map Damariscotta Maine



1 inch = 500 feet



## Legend

- Current Parcels
- Adjacent Parcels
- Frontage
- Cemetery
- State Highway
- Town Road
- Private Way
- Easement
- Powerline
- Streams
- Ponds
- Wetlands (NW1)
- Intertidal Waters

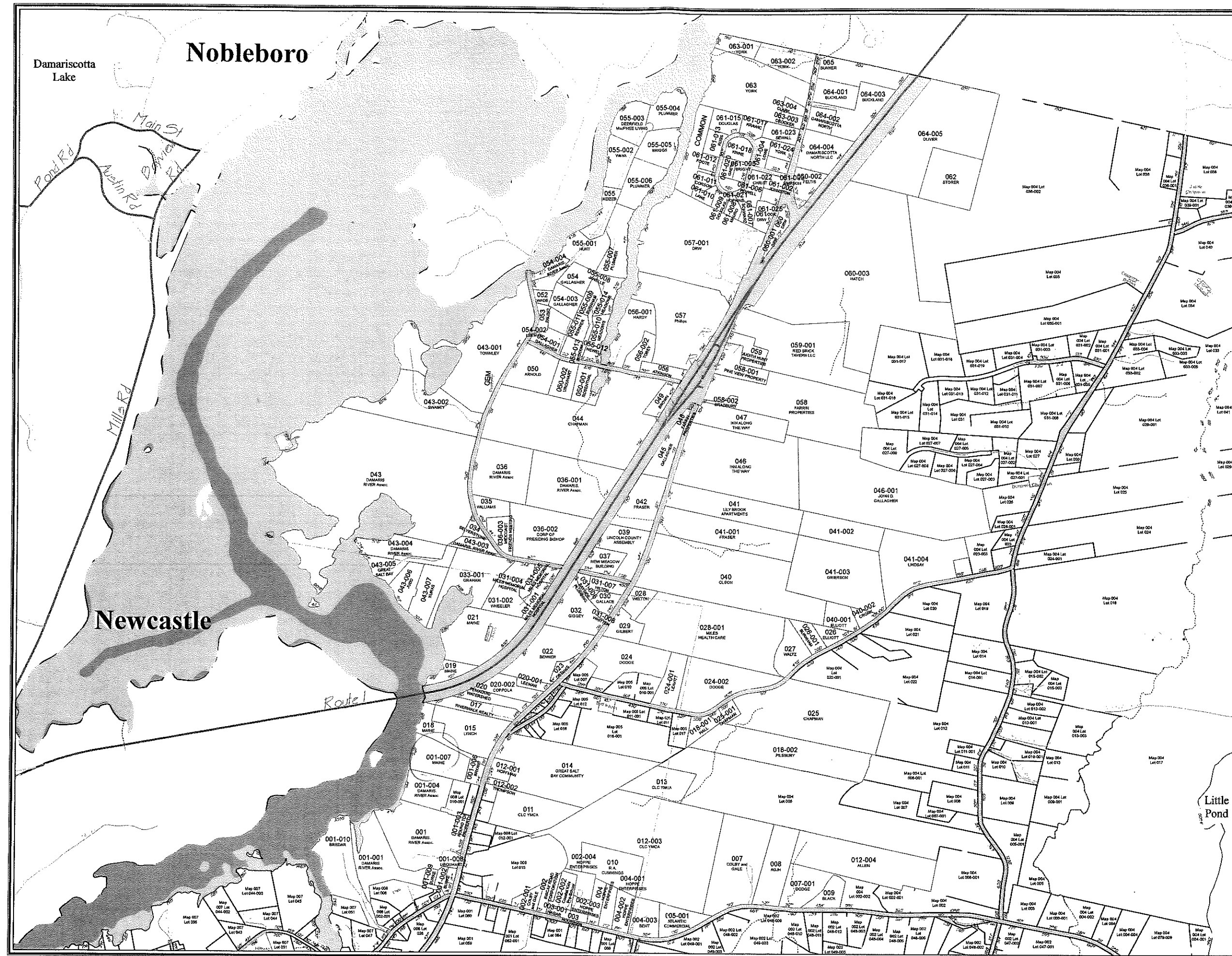
**Source Data:**  
 Damariscotta Property Maps by James W. Sewall Co. and updated through 2009 by Maine Coast Surveying.  
 Digital Property Maps prepared by Maine Coast Surveying in 2009 and updated through 2016.  
 Digital Property Map updates by Maine Coast Surveying, A Final Consulting, 2017 & 2018.  
 High resolution digital orthophotographs produced from aerial photos collected in the Spring of 2015.  
 Maine Office of Geographic Information Systems digital data files.  
 Road Type contains Next Generation 9-1-1 road centerline and road name data last updated June 6, 2015.  
 Streams depicts single line streams of Maine from USGS 1:24,000 scale quadrangles.  
 Wetlands (NW1) contains USFWS National Wetland Inventory polygon data for Maine at 1:24,000 scale.  
 The tidal shore was developed from two data sources derived from 2016-2011 LIDAR data courtesy of the USGS and the Maine Office of GIS.  
 This revision is based only on plans, deeds and other data supplied by the Town of Damariscotta.  
 Owners names may be abbreviated or unlisted to save space. See Damariscotta Tax Records for complete names.  
 The dimensions shown were derived from this map for assessment purposes only. They may be different from previous maps, deeds, or surveys.

Not a Boundary Survey  
 For Assessment Purposes  
 Not to be used for Conveyances

April 1, 2019

prepared by  
 Roderick H. Craib, Jr.  
 21 Clarks Cove Road  
 Walpole, ME 04573

# Map 003



## Riparian Landowner List- Certified

Town of: **Newcastle**

List of all riparian's within 1000' of lease DAM BN.

Town clerk certified list on: 1/12/2022

**Map 5, Lot # 69-A (account # 00417)**

DRA, Coastal Rivers Conservation Trust  
PO Box 333, Damariscotta, ME 04543

**Map 5, lot # 69-B (account 01602)**

Coastal River Conservation Trust  
Po Box 333, Damariscotta, ME 04543

**Map 5, Lot # 67-A (01136)**

Coastal River Conservation Trust  
Po Box 333, Damariscotta, ME 04543

### **Certification**

I, Jodee Kelley <sup>Deputy</sup> Town Clerk of **Newcastle** certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date

Signed Jodee Kelley Date: 1-13-2022

## 4. Applicant Signature

I hereby state that the information included in this application is true and correct. I have also read and understand the requirements of the Department's rules governing aquaculture and the application instructions pertaining to the lease amendment process.

Printed name: DAVID cheney

Title (if corporate applicant): President / 100% owner

Signature: David Cheney Date: 1/15/2022

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Note:**

- All applicants must sign and date this page. Please use the space below, if additional signatures are required.
- Corporate applicants, please be sure to include the title(s) (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.

**Additional Applicant:**

Printed name: \_\_\_\_\_

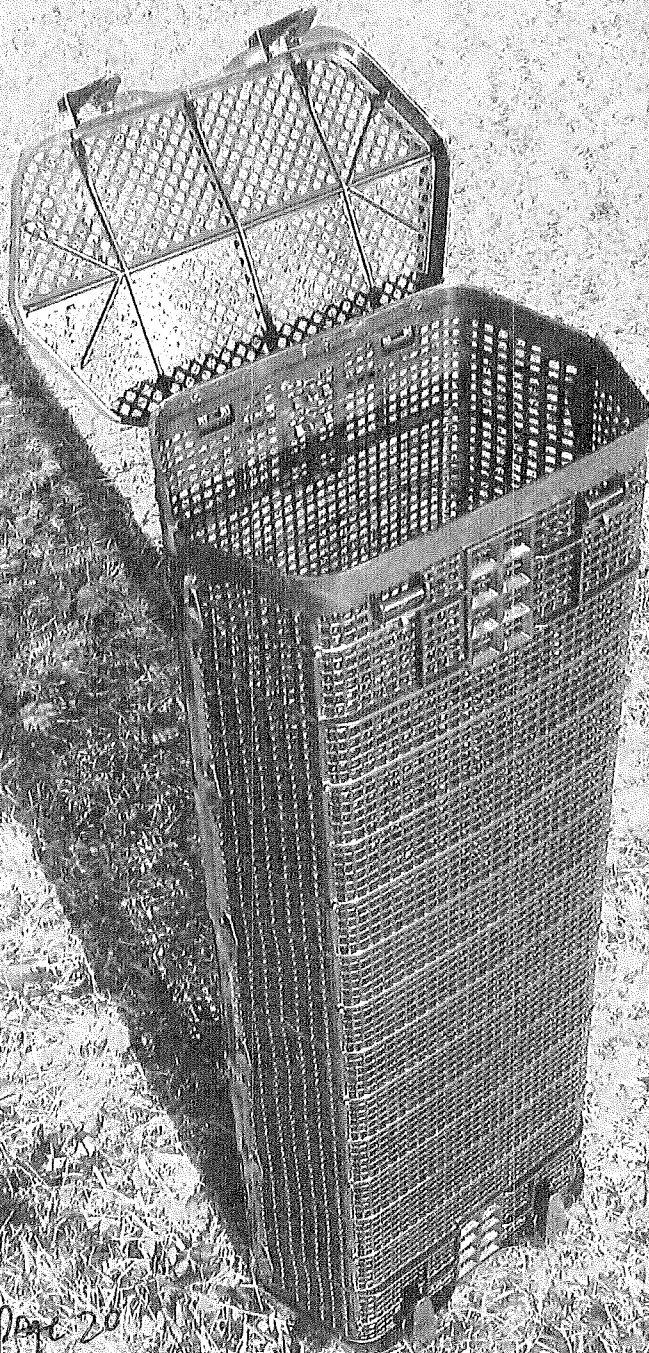
Title (if corporate applicant): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

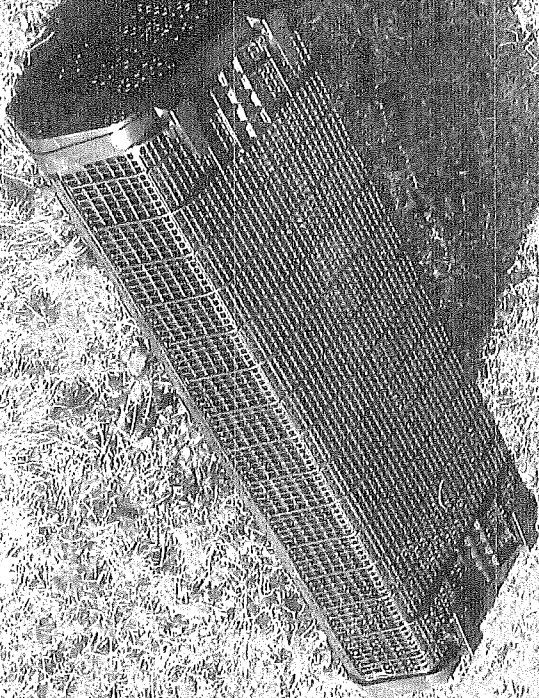
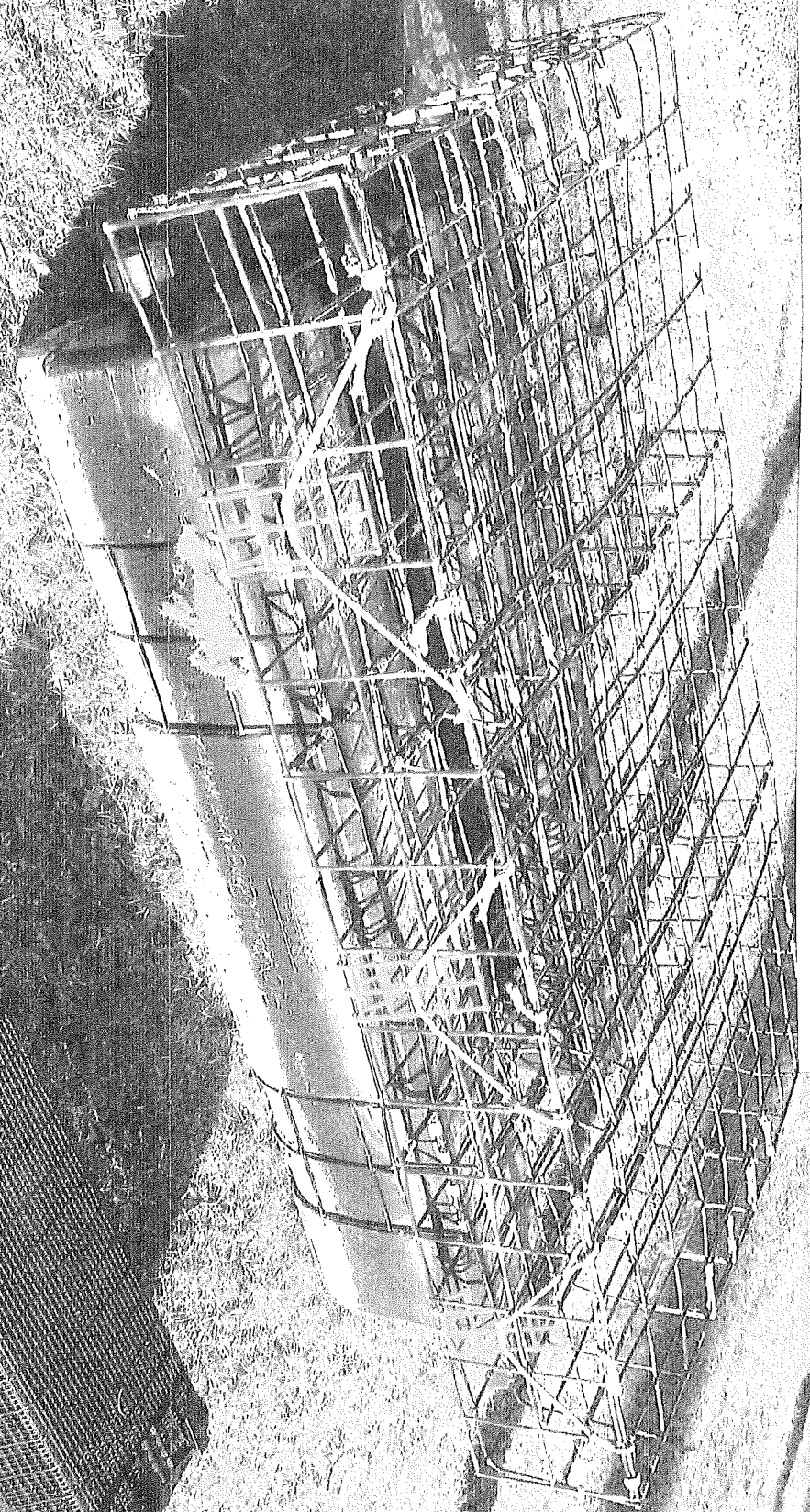
## Flip FAIM System:

(C) NW 60R

250 hexcyl cages per line 300' x 1". baskets are spaced every 12" as seen in photo. Rope runs through a "spindle", a open funnel bolted to plastic basket. floats are hollow plastic & these secure to one side, float position is dry for defaulting. Flipped into grow the float is on top, oyster in water & they grow. Hexcyl basket: 29" Long x 11" wide x 7" Deep

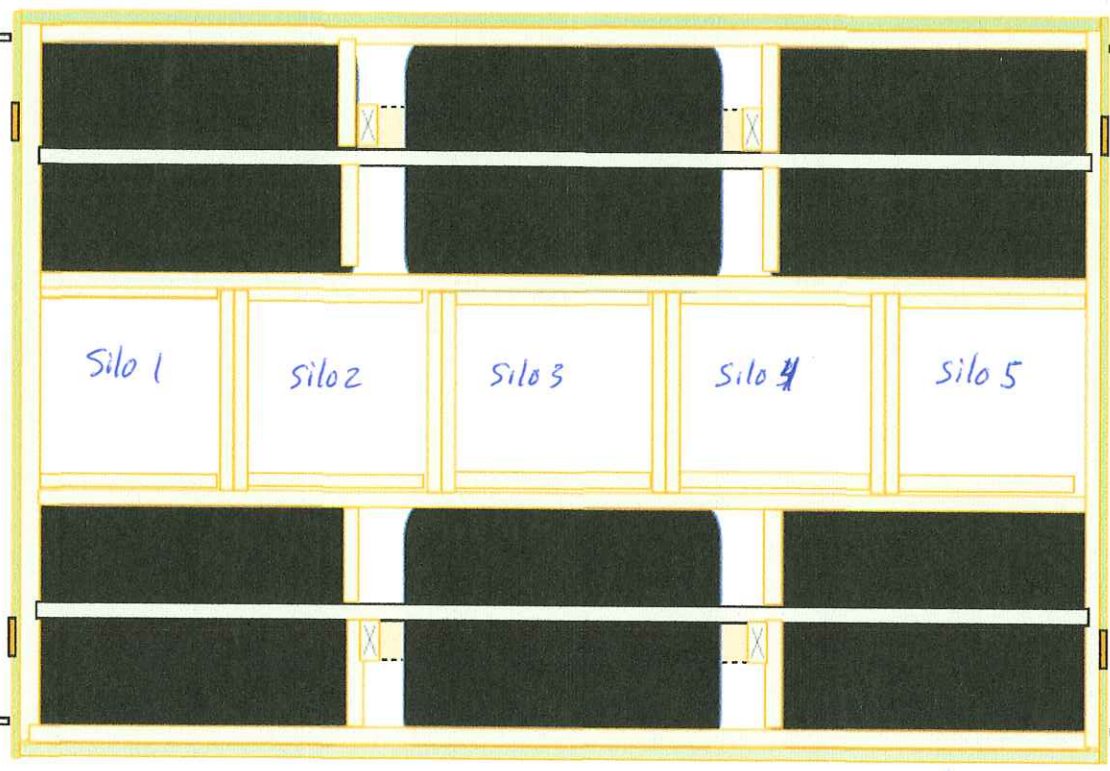


Oyster Grow Cage - 68" X 42" X 24" Cross Section  
Recycl Basket - 29" X 11" X 7" , 5mm Mesh openings



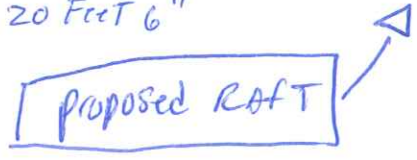
Page 21

TOP  
Down  
View



width 14 Feet wide

Length 20 Feet 6"



(6) drons 24" Deep  
 48" wide  
 72" Long  
 for floatation

- Silos are covered by hatch covers (wooden)  
 each is 34" x 34", wire cage inserts  
 Fit into silo, stackable cages are placed  
 in, 10 per hatch silo.
- RAFT Deck is planked over with 2" x 8" PT boards  
 Screwed with 5/16" x 3" stainless star bit fasteners  
 RAFT is painted grey. RAFT is secured by helix anchors.
- This RAFT will be attached to 2 Existing + permitted RAFTS  
 See Exhibit (R) They are 20' x 24' x 10' currently. We have a tent 10' x 10' x 10' for shade.  
 New oyster plex will be: 20' Long  
 38' wide  
 10' AT tallest point of fence/tent

# Schematic of Proposed RAFT:

Lease DAM BN

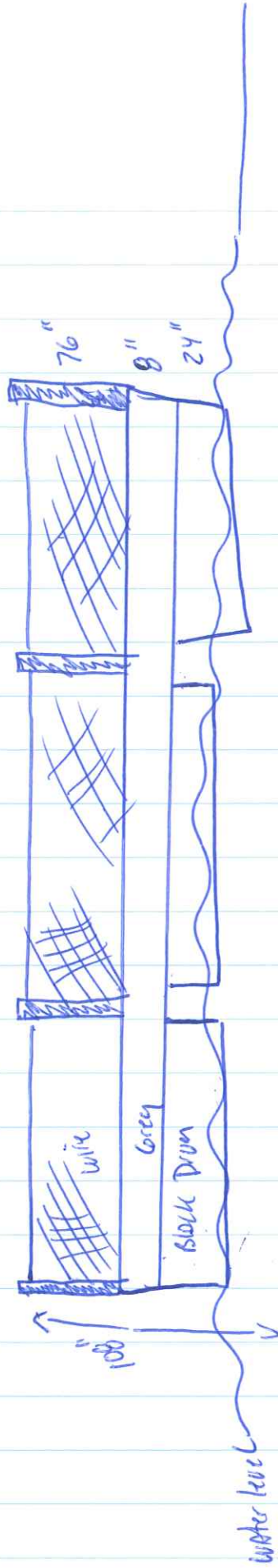
2" x 8" Pressure Treated southern yellow pine, Painted driftwood Grey Stain.

(6) 24" x 48" x 72" Float Drums - Black Plastic

RAFT is 108" TALL (9') when floating it will rise 7' Above Sea Level

Length 20.6', width 14', Fence on 3 Sides: 5' Side x 20' Back x 5' Side

4x6" Posts 6' Tall, Black 1.5" Lobster wire Around Perimeter to hold gear on windy days.



(23)



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2020 - DAN BN

Exhibit (R)

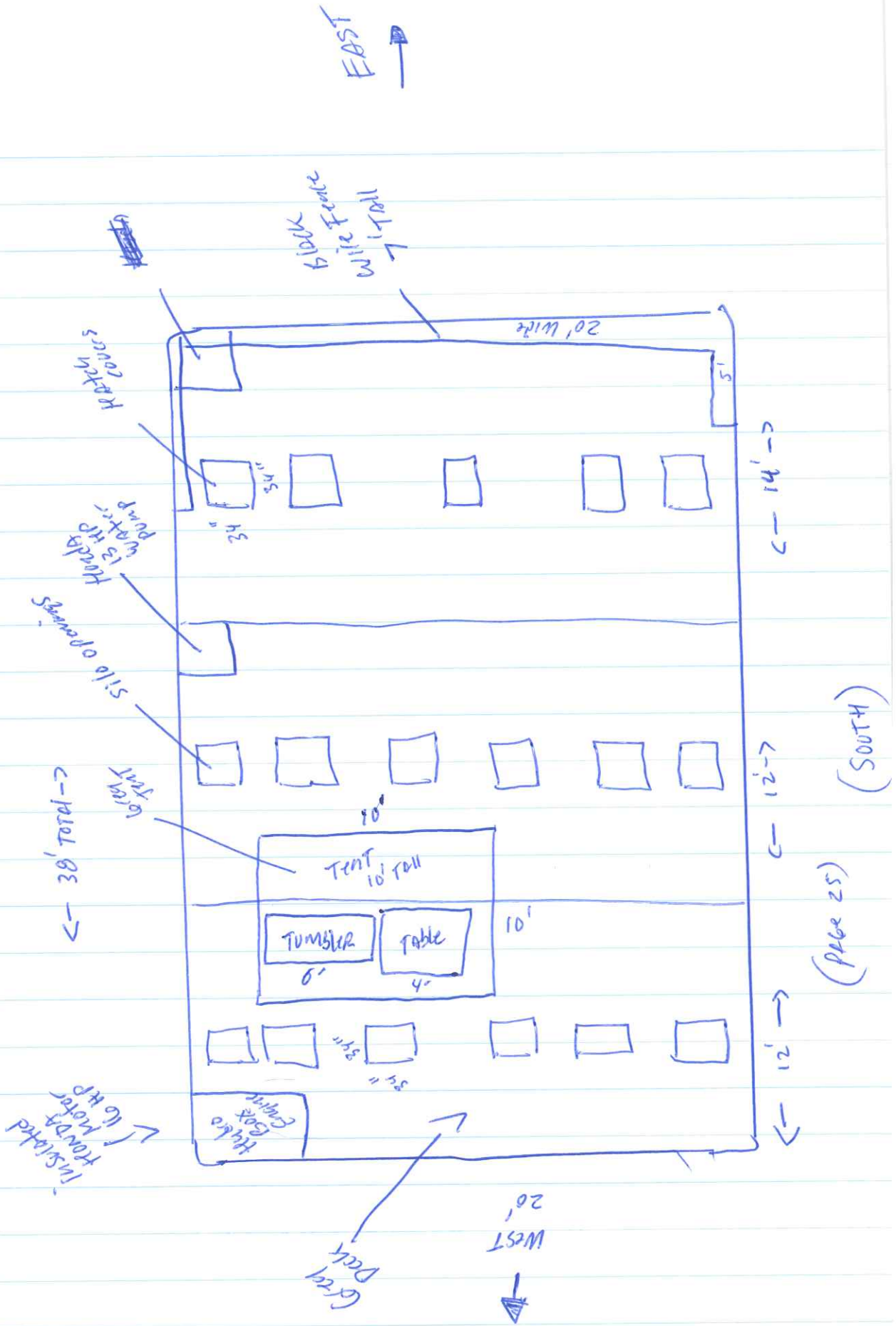


DAM BN

Proposed Oyster Plex

3 RAFT segments

TOP DOWN VIEW



(page 25)

(SOUTH)