

## EXPERIMENTAL LEASE APPLICATION

### 1. APPLICANT CONTACT INFORMATION

Applicant	Muscongus Bay Aquaculture
Contact Person	Tonie Simmons
Address	PO Box 204
City	Bremen
State, Zip	Maine, 04551
County	Lincoln
Telephone	(207) 529-4100
Email	Tonie@muscongusbay.com

*Note: The email address you list here will be the primary means by which we will contact you. Please provide an email address checked regularly. If you do not use email, please leave this blank.*

### 2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	Edgecomb
Waterbody	Damariscotta river
General Description (e.g. south of B Island)	Northwest of Glidden Ledge
Lease Information	
Total acreage (4-acre maximum) and lease term (3-year maximum) requested	3.93 acres for 3 years
Type of culture (check all that apply)	<input checked="" type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom) <input type="checkbox"/> Net Pen (finfish)
Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Note:</b> If you selected yes, you need to complete the steps outlined in the section titled: "17. Landowner/Municipal Permission Requirements".

### 3. WATER QUALITY

Directions: Water Quality Information can be found here: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>

Pollution Area (e.g. "19-A"):	WQ (growing area)// A
Pollution Area Section (e.g. "B.2". or "none"):	none
Water Quality Classification (e.g. approved, restricted, etc.):	approved

**Note:** If you are proposing to grow molluscan shellfish in waters classified as anything other than open/approved, you will need to contact the Bureau of Public Health to discuss you plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

### 4. GENERAL LEASE INFORMATION

A. Please complete the table below and add additional rows as needed.

Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock, juveniles, smolts, etc., to be cultivated:
1. American Oysters <i>Crassostrea virginica</i>	Muscongus Bay Aquaculture PO Box 204 Bremen, ME
2. European Oysters <i>Ostrea edulis</i>	Muscongus Bay Aquaculture PO Box 204 Bremen, ME 04551
3. Northern Hard Clam <i>Mercenaria mercenaria</i>	Muscongus Bay Aquaculture PO Box 204 Bremen, ME 04551
4. Bay Scallop <i>Argopecten irradians</i>	Muscongus Bay Aquaculture PO Box 204 Bremen, ME 04551

B. Do you intend to possess, transport, or sell whole or roe-on scallops?  Yes  No

If you answered "yes" please contact the Bureau of Public Health to discuss you plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

**Note:** If you are proposing to grow molluscan shellfish, this application also serves as your written operational plan as required in the National Shellfish Sanitation Program (NSSP) Model Ordinance Chapter 2, and must be maintained in your files. If you wish to submit an operational plan separate from this application, please contact: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

## 5. VICINITY MAP

**Note:** You may embed the maps within the document, or attach the maps to the end of your application. If you attach the maps, please label them according to the instructions provided below. If you attach the map, please label it: ‘Vicinity Map’.

**Directions:** Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the proposed lease site.

The map needs to display the following:

- The waters, shore lands, and lines of mean high and mean low water within the general area of the lease
- An arrow indicating true north
- A scalebar
- The approximate lease boundaries

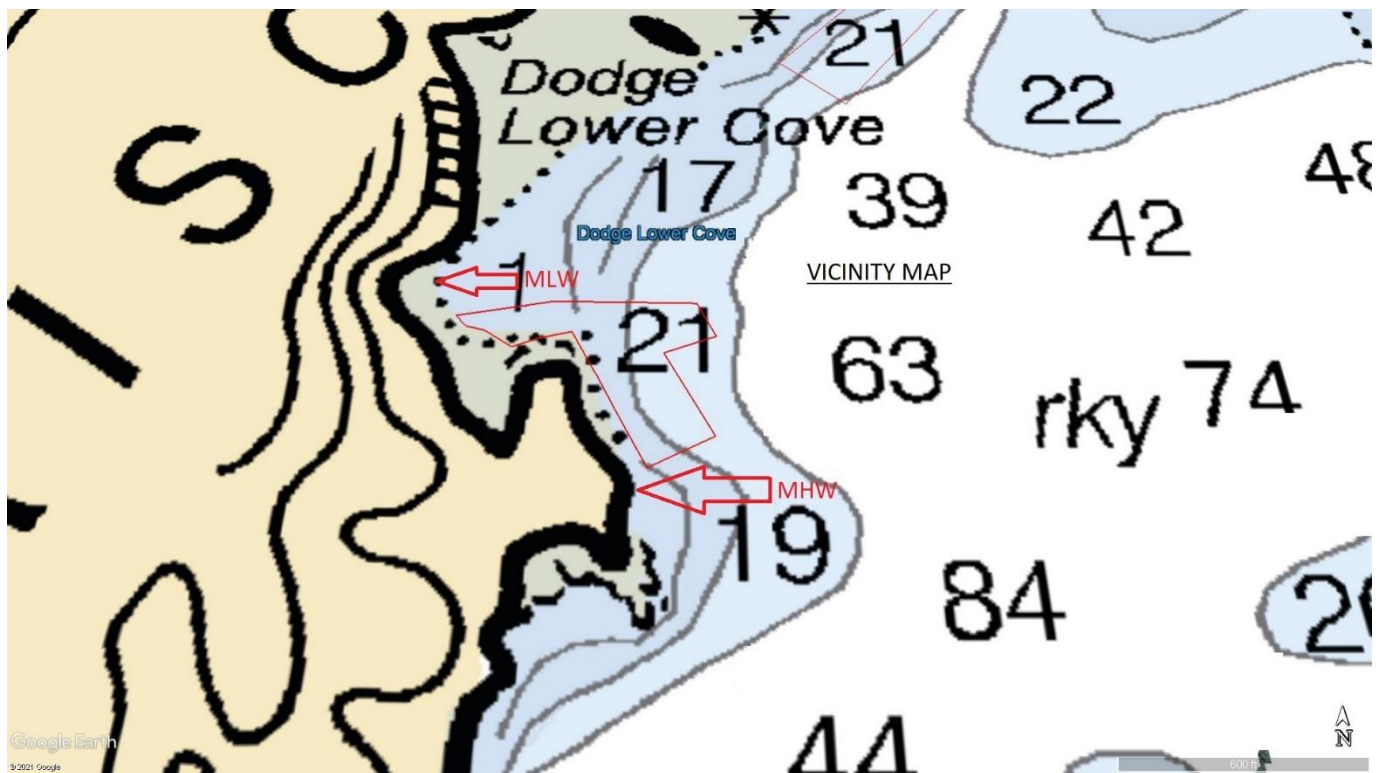


Figure 1: Vicinity map for Muscongus Bay Aquaculture’s proposed experimental lease.

## 6. BOUNDARY DRAWING

**Note:** If you attach a drawing, please label it 'Boundary Drawing'.

**Directions:** Depict the boundaries of the proposed lease site. Provide a drawing with all corners, directions, and distances labeled. Provide coordinates for each corner as follows:

- Coordinate Description

Provide geographic coordinates for each corner of the lease site in latitude and longitude as accurately as possible (e.g., to the nearest second or fraction of a second). Identify the datum from the map, chart, or GPS unit used to develop these coordinates. The datum will be shown on the map or chart you are using. The Coordinate Description may be provided separately from the Boundary Drawing.

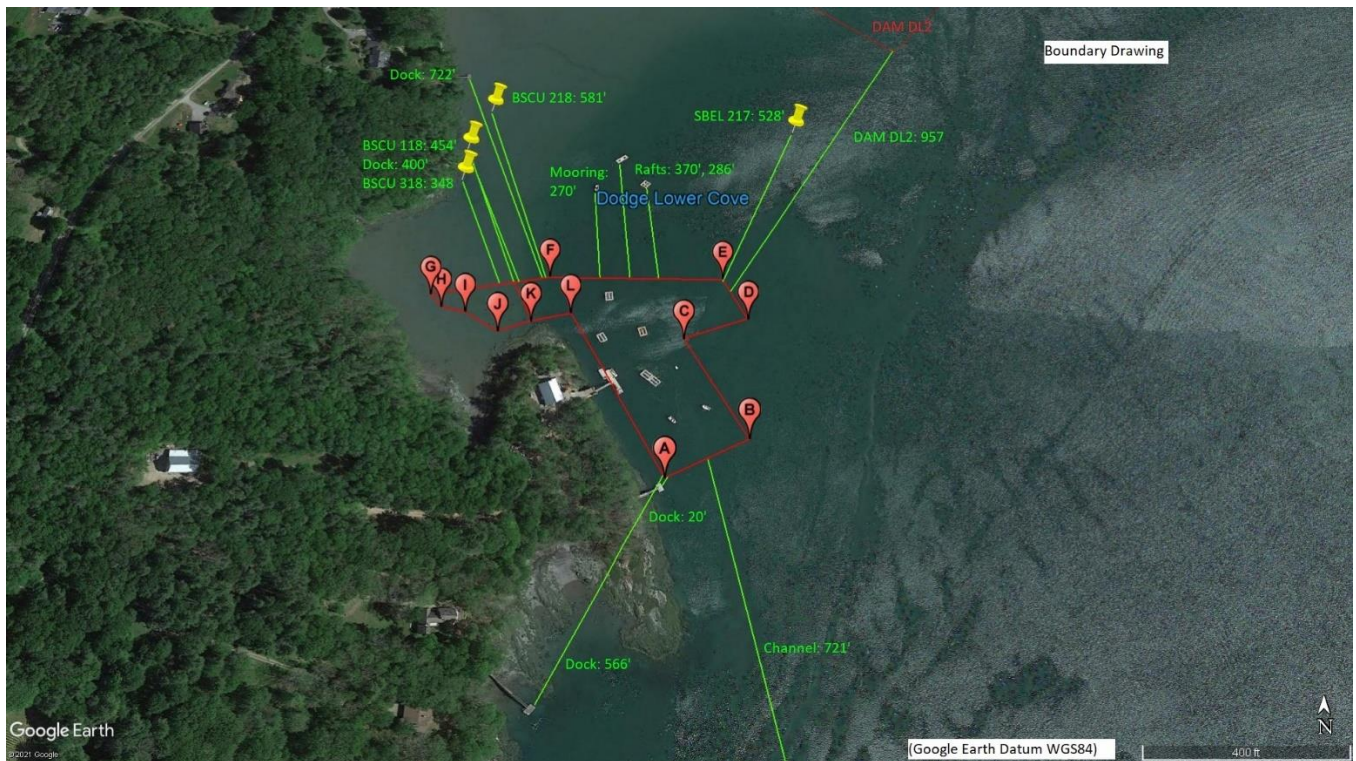


Figure 2: Boundary Drawing for Muscongus Bay Aquaculture's proposed experimental lease.

Coordinate Description:

NAME	Latitude	Longitude
A	43° 58' 27.33"	69° 34' 19.73"
B	43° 58' 28.22"	69° 34' 17.35"
C	43° 58' 30.86"	69° 34' 19.33"
D	43° 58' 31.54"	69° 34' 17.05"
E	43° 58' 32.73"	69° 34' 17.85"
F	43° 58' 32.79"	69° 34' 23.60"
G	43° 58' 32.26"	69° 34' 27.49"
H	43° 58' 31.91"	69° 34' 27.09"
I	43° 58' 31.75"	69° 34' 26.28"
J	43° 58' 31.20"	69° 34' 25.16"
K	43° 58' 31.48"	69° 34' 24.11"
L	43° 58' 31.72"	69° 34' 22.84"

Figure 3: Coordinate Description for Muscongus Bay Aquaculture’s proposed lease application.

**7. RESEARCH PROGRAM AND OPERATIONS**

**Directions:** If you are cultivating more than one species, you will need to provide information for each species. Please attach a separate page if needed.

**A. Type of study (check one):**  Scientific Research  Commercial Research

*Please note:*

*a) Scientific research is not kept confidential.*

*b) Experimental leases for commercial research are not renewable. Results of commercial research are kept confidential.*

<b>B. What is the purpose of the study? If scientific, please include a detailed study design.</b>
We are hoping to understand the effectiveness of growing and holding oysters in the immediate area off our Ring Point facilities site. We would like to test the suitability of the substrate for holding bottom cages that we hope can be accessed year-round. We are also trying to determine if shellfish grow better/purge sooner in a surface pen as opposed to a bottom cage, and which system will work better at scale. We also hope to use the bottom-plant site and “nearshore” area to compare growth rates of the two systems.

**C. Describe the general culture process for each species proposed.**

All of our species will be reared in our own hatchery, Muscongus Bay Aquaculture, located in Bremen, Maine. Oysters will come out of the hatchery or nursery and be placed into our bottom cages or Zapco/flip bags. After one growing season they will be sorted, culled, and placed on the bottom site or back into a bottom cage/holding pen until they reach market size. The same process will occur for other species: Bay scallops will come out of the hatchery and go into our subtidal site in the spring. Once up to an acceptable size, they most likely will be planted on the bottom, but could be placed in our bottom cages/surface pen to test out the efficacy at which they can be grown in those systems. Hard Clams would come out of our nursery and be placed either directly on bottom or in a subtidal bag/cage to grow them further. Eventually they will have to be placed on the bottom site for grow out.

**D. What months will the proposed activities (i.e. seeding, tending, and harvesting) occur?**

Seeding occurs in the late spring/early summer. For our nearshore lease most activity would occur at the end of spring (stocking) and end of fall (harvesting). Minor tending would occur during the summer to make repairs/re-organize gear. Tending our bottom cages occurs year round; with stocking and harvesting operations occurring constantly. The same would be true for floating pens: we would be maintaining and harvesting product out of the pens for as long as they are in the water. The bottom-plant area would be seeded in the fall and harvested the following fall/winter.

**E. How often will you be at the site during seeding and harvesting periods?**

Due to its proximity to our land based operations, we would be at the site daily. Working at the site would also occur daily; moving product into and out of our floating pens or harvesting from bottom cages. We generally work from 7-3, but could be at the site outside those times and on the weekends as well.

**F.** How frequently will you visit/tend the site for routine maintenance (i.e. flipping cages, etc.)?

The nearshore lease would just need to be monitored for general repair. No biofouling remediation is required with the Zapco/Flip bag system. Bottom cages need to be dried or defouled at least once every two months (depending on the time of year) and no maintenance would be required for our bottom planted site other than the occasional monitoring. Our floating rafts require minimal repairs throughout the year as well.

**G.** Describe the harvesting techniques you will use. If you plan on using a drag, please provide the dimensions.

Harvesting from bottom cages involves hoisting the cage up to the surface where it is placed in a boat or float. We will use a boom attached to a skiff to bring the cage to the surface. Harvesting the near shore lease involves loading a boat with bags or Zapco tubes and bringing them to shore/our dock for offloading. We will use a 42 inch drag with a 12 inch opening to harvest the bottom site out of our drag boats.

**H.** Describe any overwintering or “off season” plans for the site. For example, will you remove gear from the site and/or deploy gear in different areas within the proposed site? Please include where gear or product will be located if moved from the site.

We anticipate using the bottom cages more during the winter months. Due to the ice flows and cold temperatures we pull our floating pens at the beginning of winter. They are stored on our property at Ring Point. Unused bottom cages would also be stored at our Ring Point site and we anticipate having most of them out of the water during the summer months. Our nearshore lease has to be removed for winter: we will pull the posts/rebar and store them, along with the tubes and bags at our Ring Point facility.

**I.** What type of machinery (e.g. generator, drag, grading equipment, etc.) will you be using on the site? When and how often will the machinery be used?

We will use a small drag (42 inch drag with a 12 inch opening) on the site to harvest our bottom-plant area. We will use Carolina skiffs with quiet four-stroke engines to harvest and maintain the rest of the site. A knuckle boom may be attached to a boat to aid in harvesting our bottom cages which would have a 10hp powerpack to power hydraulics. If electrical needs occur we will use a quiet Honda EU220i generator that cannot be heard over our engines. Generators/powerpacks could be used daily depending on harvesting schedules, but most likely a couple times a week.

**J.** What is the maximum number (or biomass) of organisms you anticipate being on the site?

We anticipate around 1 million animals on the site.

**K.** Please provide details on any predator control techniques you plan to employ, including the use of bird deterrents. Will you use commercially available or custom equipment? If commercially, available equipment, please include the brand and model names. If custom equipment, please attach a detailed schematic that includes the dimensions, materials, and function of the equipment.

We have had no issues with birds or predators on our rafts. We frequent the site daily which prevents birds or other animals from frequenting the area.

## 8. EXISTING USES

**Directions:** Describe the existing uses of the proposed area. Please include the amount of activity, the time of year the activity occurs, frequency, and proximity to the lease site.

**A.** Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year the activity occurs c) frequency, and d) proximity to the lease site.

### 1. Commercial Fishing

No commercial fishing occurs in the area.

### 2. Recreational Fishing

Some recreational striped bass fishing occurs on the eastern edge of the lease. This activity is pretty infrequent, occurring from June-August and can occur all around our site. Recreational fishing (Mackerel/Striped Bass) would not be prohibited inside the lease, we especially see no conflict with our bottom lease. Oyster beds have been shown to encourage young of year fish and we would delight to have the area become a good bass fishing spot.



<b>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water).</b>
There is minimal boating activity in the area. The main boat channel is about 721 feet from the eastern edge. Occasionally recreational watercraft such as kayaks will come through, but they will not be prohibited from our lease. To the northwest there is a dock 400' away, but there is ample room to the north for access.
<b>4. Riparian Ingress/Egress</b>
Currently the only Riparian Ingress/Egress near the site is our own dock. The navigation channel left in the lease will provide ample room to drive boats in and out. The dock immediately to our south will not be affected since it's next to the bottom culture site and owned by Tonie Simmons.
<b>5. Other uses (kayaking, swimming, etc.)</b>
As previously mentioned there is infrequent kayaking in the area. No swimming occurs on the site.

<b>B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from proposed lease.</b>
<p>We have one dock southwest of the site which is 566 feet from our boundary, as the crow flies (though it is a farther distance by boat around a ledge). The channel is about 721 feet to our east. To the north there are two rafts, 286 and 370 feet from the boundary. A mooring in the same area is 270 feet from the site. There are two docks to the north as well, 400 and 722 feet away.</p> <p>We also operate numerous docks, moorings, and floats within the site. Our main dock is centered in the proposed site. A southern dock sits just outside the site (20 feet from our bottom lease site). We have four boat moorings that are located within the bottom site as well. We are fine to leave them there, or can move them just outside the planting area to the north. We also operate six floating rafts in the "pen" area. They would be incorporated into the lease as holding pens.</p>

<b>C. Are there public beaches, parks, or docking facilities within 1,000 feet of the proposed lease site. If yes, please describe and include approximate distances from proposed lease.</b>
N/A

## 9. CURRENT OPERATIONS

**Directions:** If a question does not pertain to your proposed operations, please write “**not applicable**” or “**N/A.**”

**A.** Describe your existing aquaculture operations, including the acronyms of all active leases and/or licenses.

Dodge Cove Marine Farm and Muscongus Bay Aquaculture currently run an oyster grow-out operation centered at Ring Point Road in Edgecomb, Maine. Our farm crew is based at this facility and all of our Damariscotta River grow-out operations utilize this facility. Dodge Cove Marine Farm and Muscongus Bay Aquaculture presently utilizes 31.33 acres of oyster bottom/nursery leases and Dodge Cove Marine Farm has been in operation since 1977. We employ a highly experienced crew with individuals who have many years’ experience farming on the Damariscotta River.

We currently operate Leases: NMR NML; DAM DP; DAM GS2; DAM HI; DAM HI2; DAM HI3; DAM HI5

Tonie Simmons has SIM 412; SIM 312 for LPA’s

**B.** What are your plans for any existing leases and/or Limited Purposed Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or Limited Purpose Aquaculture (LPA) licenses be relinquished if the lease is granted? If so, please indicate which ones.

We do not plan to relinquish any leases or licenses.

## 10. EXCLUSIVE USE

If your lease is granted, what activities would you request be excluded from occurring within the boundaries of the lease site? In your answer please address applicable commercial and recreational fishing, boating activities, and other activities you listed in the ‘Existing Uses’ section of this application.

We would ask that no commercial shell fishing activities occur in the area. As previously stated we have no issue with recreational watercraft or fishing occurring in the area.

## 11. ENVIRONMENTAL CHARACTERIZATION

**Directions:** Using your knowledge of the area, describe the environment of the proposed lease site. Be sure to include units of measurement in your answers (i.e. feet, cm/s).

**A.** What are the approximate depths at mean low water?

This is a dynamic lease, with many different environments. As such the characteristics of the site vary significantly in different areas. The "Nearshore" site was walked at a 0.11 low tide to establish the MLW line. As such the lease has a few inches of water present at mean low water and is a typical Maine mudflat. As you move east, into the "Pen" area the water gradually rises to a maximum depth of about 21 feet at low tide, with the bottom becoming progressively softer as you move north. . Our "Bottom plant" site has a depth of 19-22 feet at low tide and a hard shelly bottom.

**B.** What are the approximate depths at mean high water?

The "Nearshore" site has a depth of about 10 feet at high tide. The proposed "Pen" area has a maximum depth of about 31 feet, and our "Bottom Plant" site has a depth of 29-32 feet.

**C.** Provide the approximate current speed and direction during the ebb and flow.

The site is shielded from the intense current experienced at the opening of Glidden ledge. For most of the site current speeds are less than a knot and run Northeast on a flood tide, and South during the ebb. The "Bottom Plant" area experiences a slight increase in current speed where they can get up to a knot flowing almost directly north/south.

**D.** The following questions (D.1 through D.6) may be answered in writing or by submitting a video. If you plan to submit a video, please contact the Department prior to video collection.

**1.** What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?

As previously described, the lease characteristics vary greatly with each location. The "Nearshore" site is soft mud which continues West. The "Pen" area has slightly firmer mud in its southern area, but then gradually turns to soft mud as you move East. The proposed "Bottom Plant" is much firmer, with a shell-hash muddy consistency.

<p><b>2. Describe the bottom topography (flat, steep rough, etc.).</b></p>
<p>The bottom has a slow decline in depth as you move east, until there is a steep drop off outside the proposed lease.</p>
<p><b>3. Describe marine organisms by species or common names. Based on your personal observations or other sources of information, are these species abundant, common, or rare?</b></p>
<p>Based on numerous dives in the areas over the past years the marine organisms present in abundance are green crabs and polychaete worms. Mackerel and striped bass can be seen occasionally in the area as well. On the mudflat hermit crabs are present.</p>
<p><b>4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</b></p>
<p>Lease DAM DL2 is located 957 feet to the northeast of the site.</p>
<p><b>5. Describe the presence and extent of submerged aquatic vegetation, i.e. eelgrass, within the proposed lease area. Please include the date of this observation along with the method of observation. If submerged aquatic vegetation is observed, please also describe the abundance below and sketch the limits of the beds in the vicinity map.</b></p>
<p>No aquatic vegetation has been observed in the proposed area.</p>

6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)

The general shoreline is rocky with an upland forested area. The only residential buildings near the site are owned and operated by Muscongus Bay Aquaculture and Tonie Simmons.

E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?

Yes  No

*Note:* The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

*If a project is located within an Essential Habitat,* applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator ([John.Perry@maine.gov](mailto:John.Perry@maine.gov), phone: 207-287-5254) prior to application submission.

F. Will your operations discharge anything into the water such as feed (pellets, kelp, etc.) or chemical additives (therapeutants, chemical treatments, etc.)?

Yes  No

*Note:* If you answered yes, you must submit a video of the bottom using a method prescribed by the Department. **The video must be filmed between April 1 and November 15.** If a discharge is proposed you will also need to obtain a Maine Department of Environmental Protection (DEP) discharge permit. For information on this permit please contact DEP's Wastewater Licensing Program ([Gregg.wood@maine.gov](mailto:Gregg.wood@maine.gov), 207-287-7693). Further sampling may be required by DMR, or DEP, depending on the characteristics of the site or the proposed activities.

## 12. STRUCTURES (if applicable)

If your operations require the use of cages, nets, ropes, trays, or any object (structure) other than the organism to be grown directly on the bottom or buoys to mark the corners of the lease site, you must submit an **Overhead View** and **Cross-Section View** of your gear plans. It is important to note that, unlike Limited Purpose Aquaculture (LPA) Licenses, experimental and standard leases require that all gear, including moorings, must be located within the proposed lease boundaries.

**Note:** You may embed the gear plans, or attach them to the end of your application. If you attach the plans, please label them according to the instructions provided below.

### A) Overhead View (please label this “Overhead View”):

**Directions:** All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in)

- Show maximum layout of gear including moorings.
- Show dimensions of entire gear layout
- Show approximate spacing between gear.
- Show lease boundaries and the location of proposed markers on all drawings.

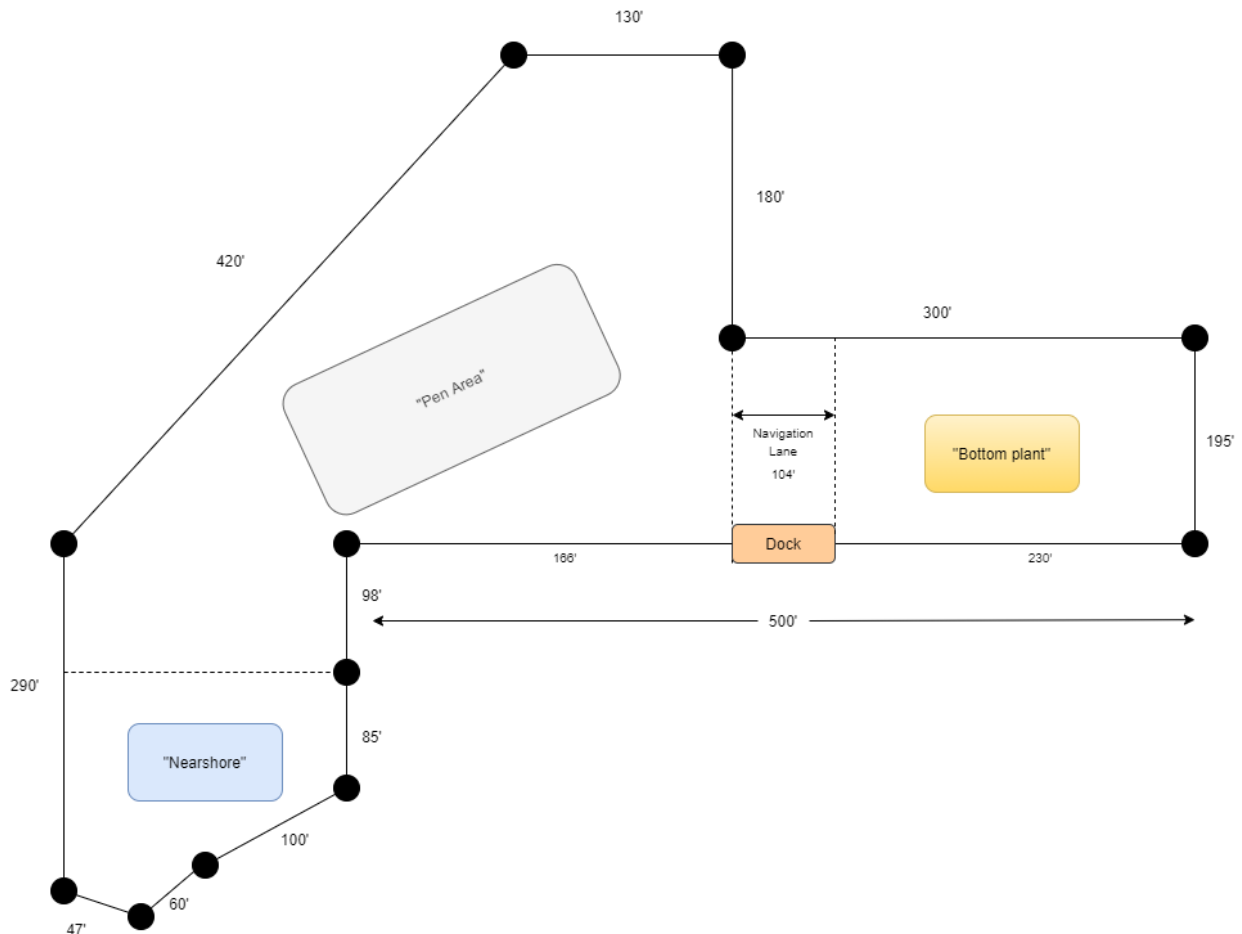


Figure 3a: Overhead view of Muscongus Bay Aquaculture's proposed experimental lease.

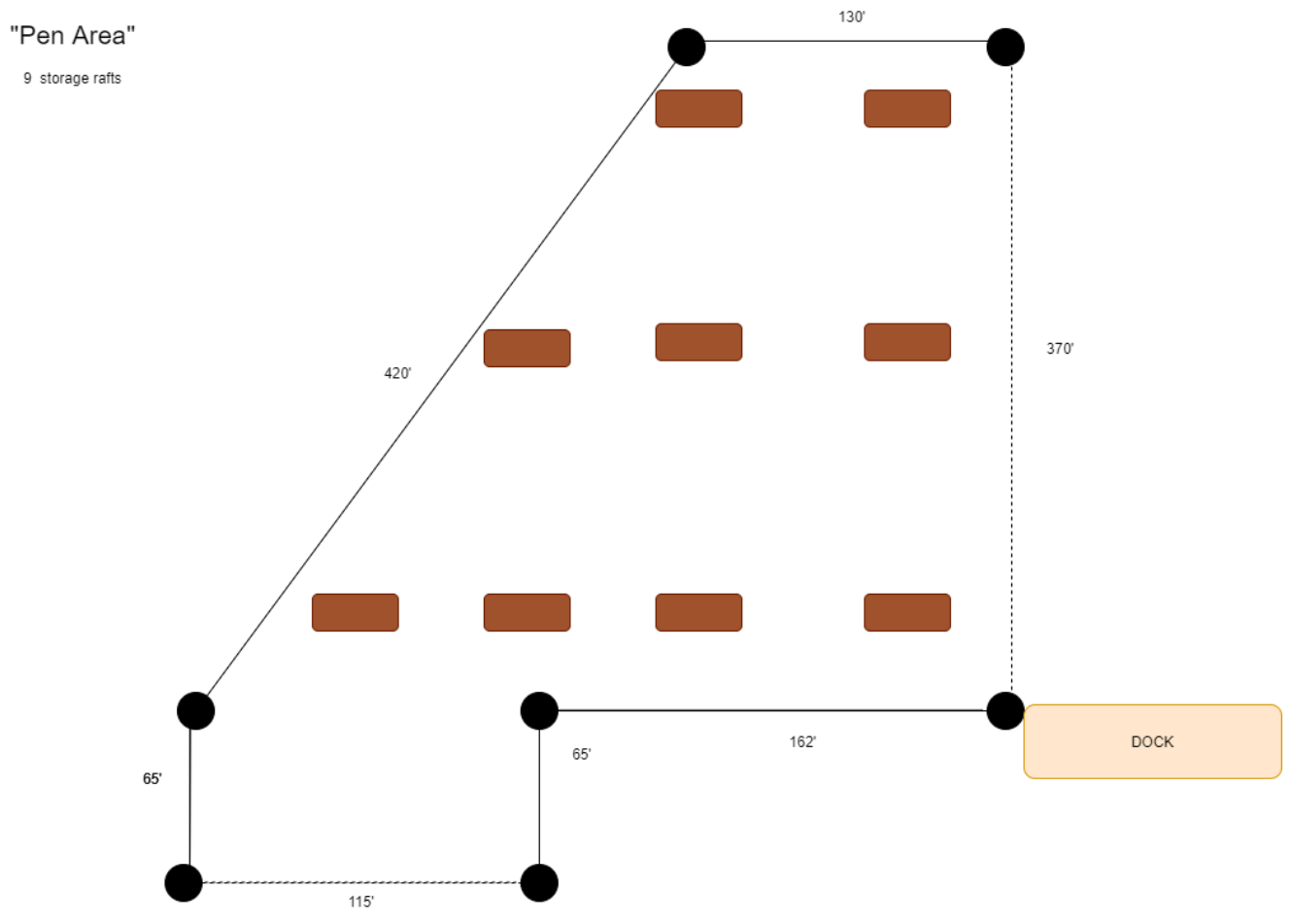


Figure 3b: Overhead view with holding pens in Muscongus Bay Aquacultures proposed "Pen area"

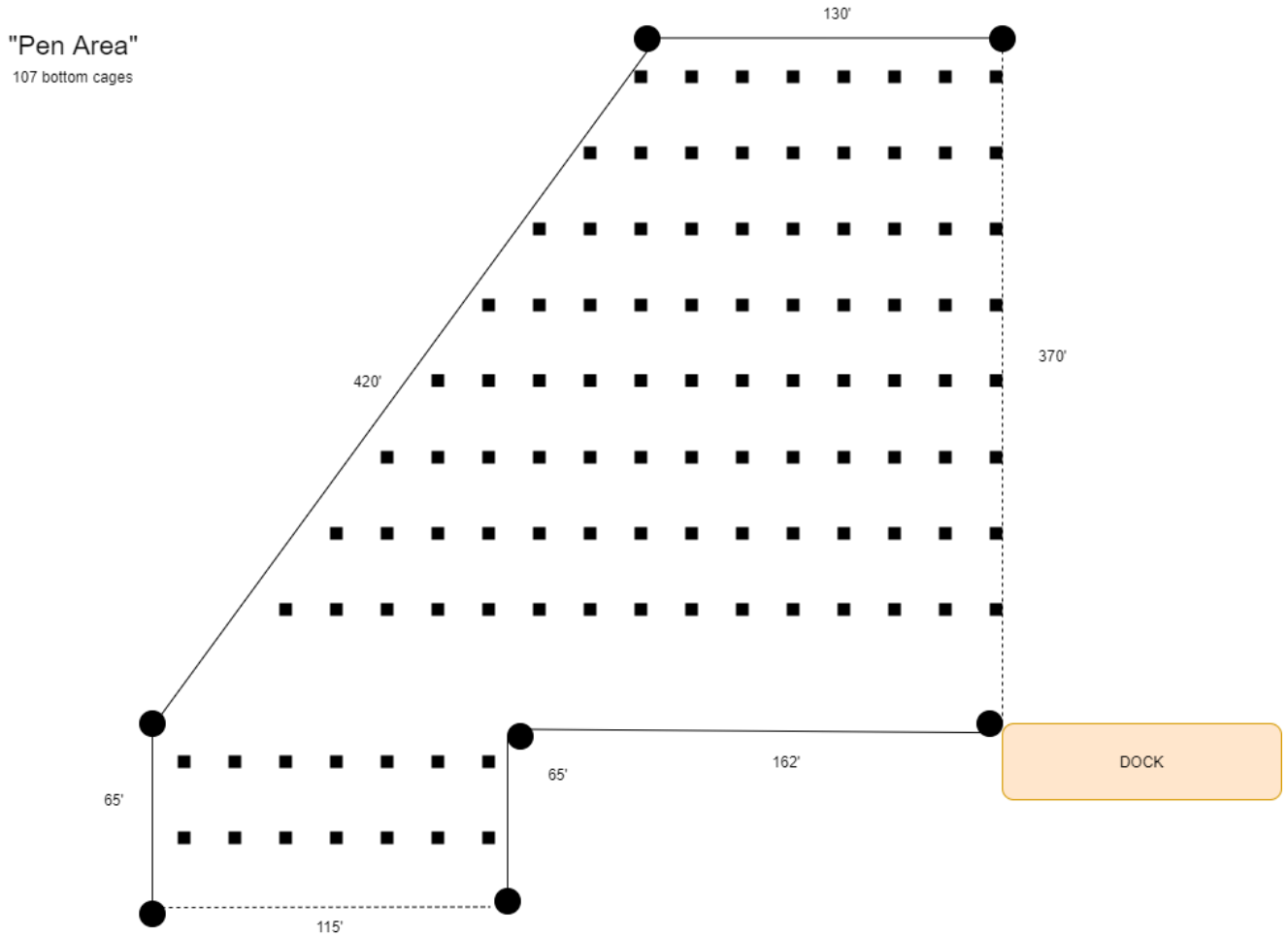


Figure 3c: Overhead view with bottom cages in Musoncgus Bay Aquaculture's proposed "Pen area"



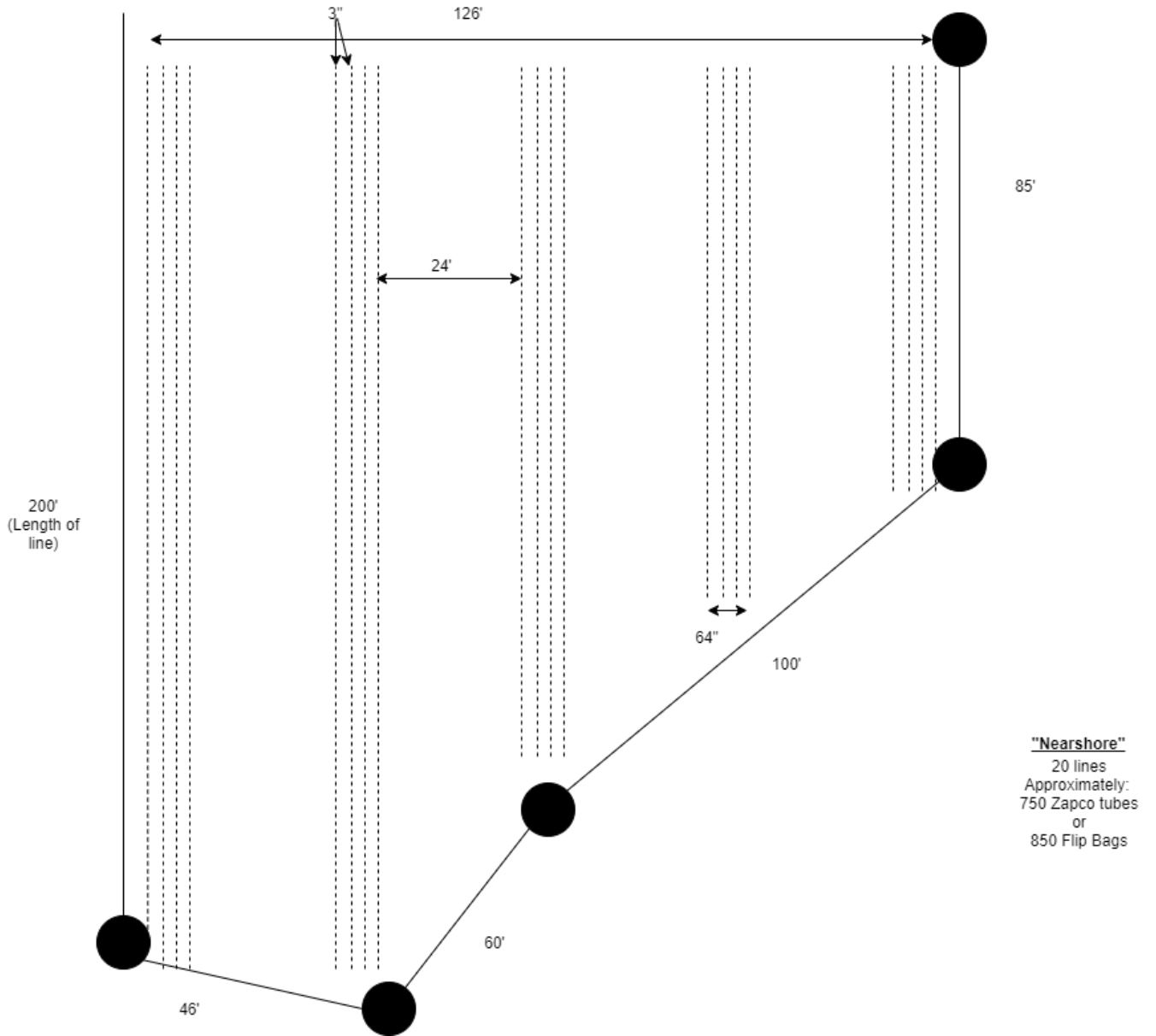


Figure 3d: Overhead view with Zapco/flip bags in Muscongus Bay Aquaculture’s proposed “Nearshore” area.

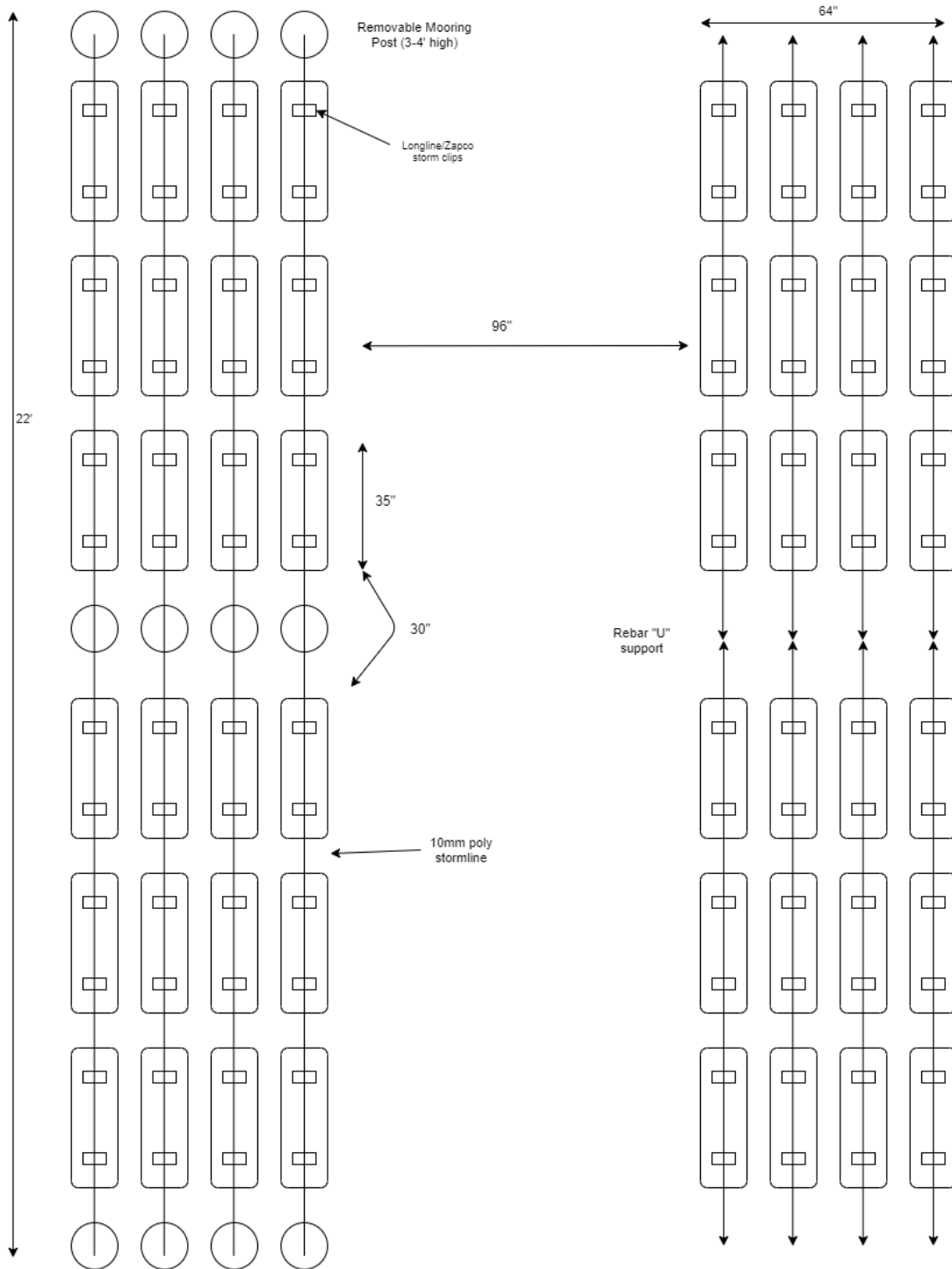


Figure 3e: Overhead view of Zapco tubes with post or rebar moorings in Muscongus Bay Aquaculture’s proposed “Nearshore” area

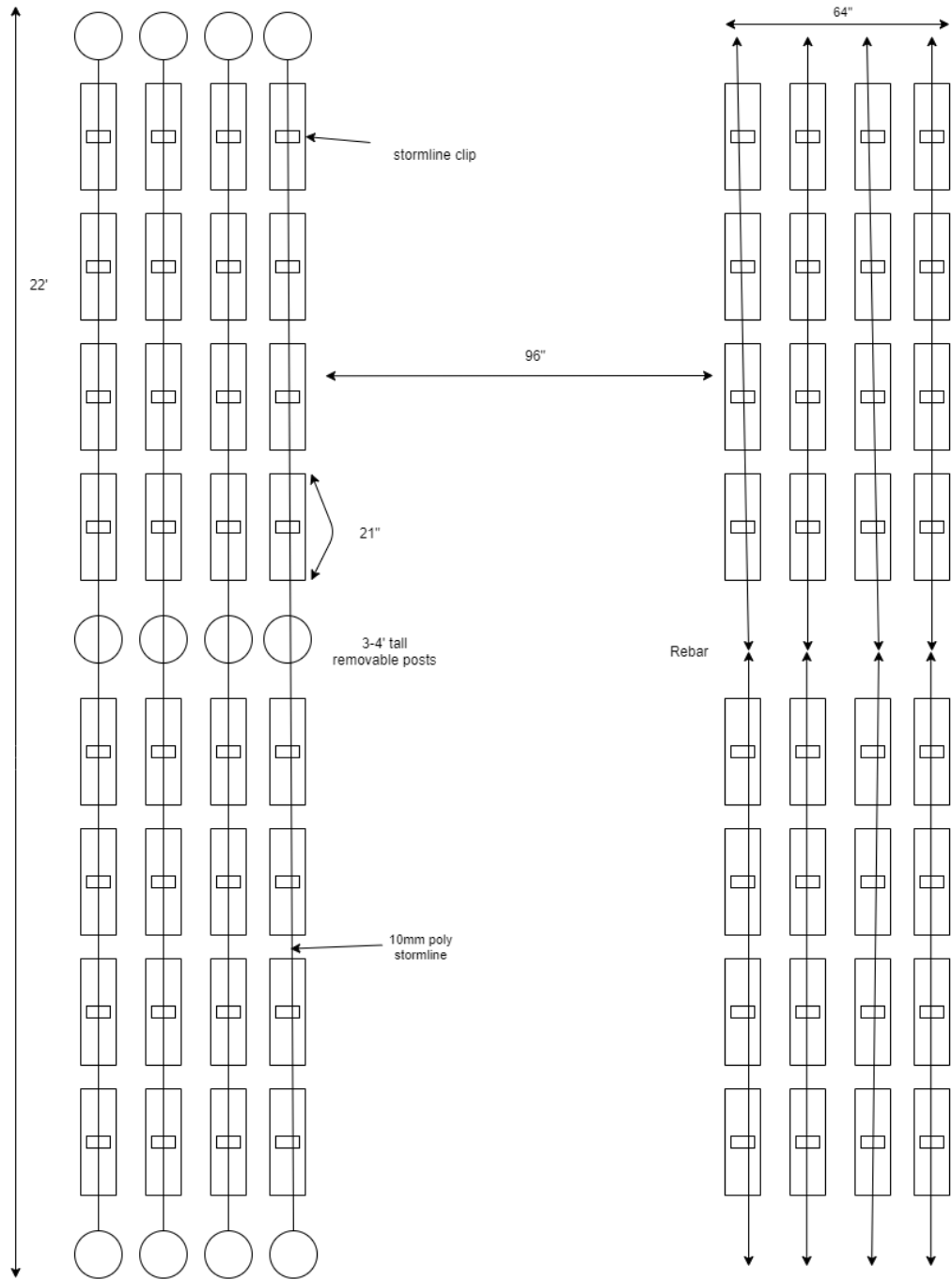


Figure 3f: Overhead view of “flip bags” with post or rebar moorings in Muscongus Bay Aquaculture’s proposed “Nearshore” area.

**B) Cross-Section View** (please label this “Cross Section View”):

**Directions:** The cross-section view must show the following:

- The sea bottom
- Profile of gear in cross-section as it will be deployed
- Label gear with dimensions and materials
- Show mooring gear with mooring type, scope, hardware, and line type and size
- Water depth at mean high and mean low water

**Note:** Please include an additional Cross Section View, depicting the elements listed above, if there will be seasonal changes to gear layout (i.e. over wintering).

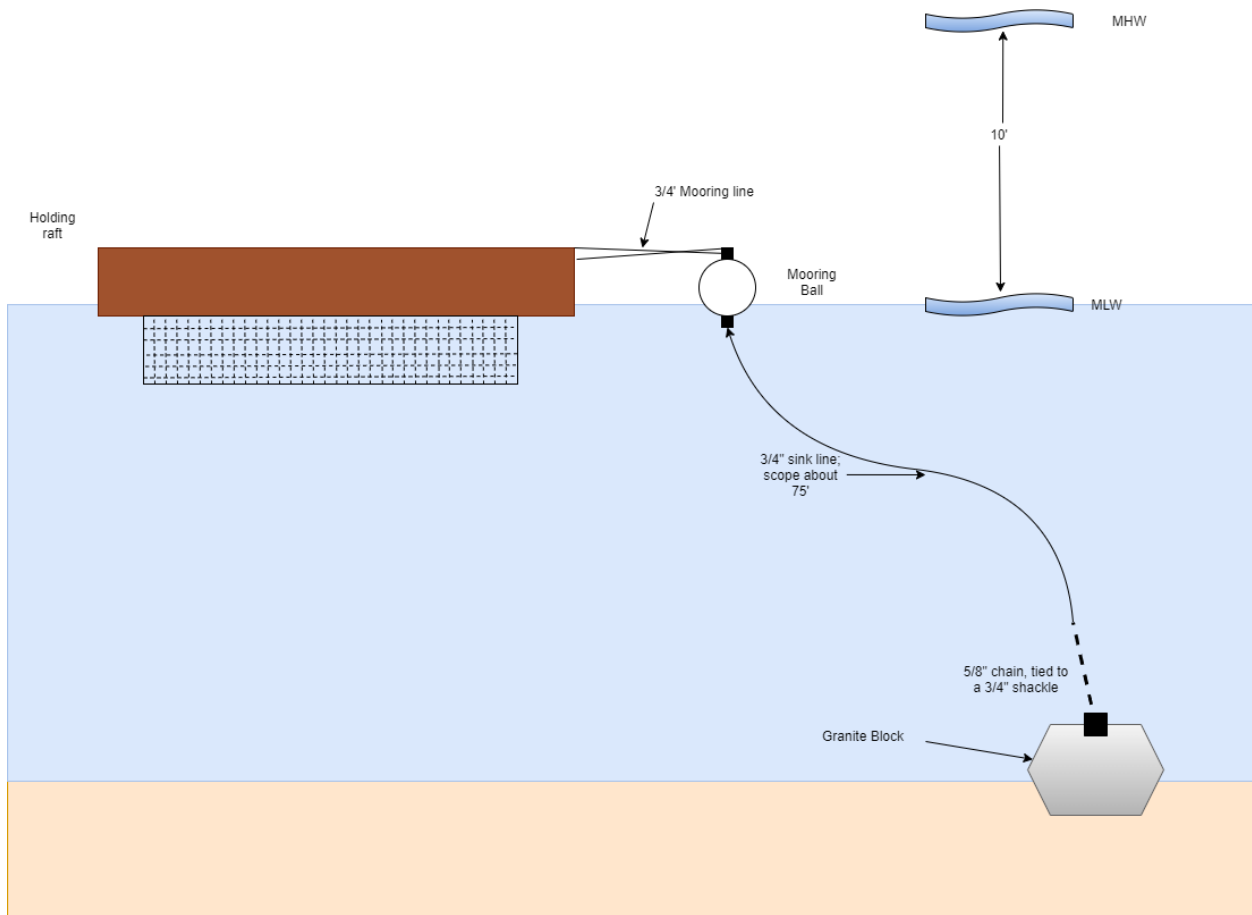


Figure 4a: Cross-section view of a holding pen in Muscongus Bay Aquaculture’s proposed “Pen” area.

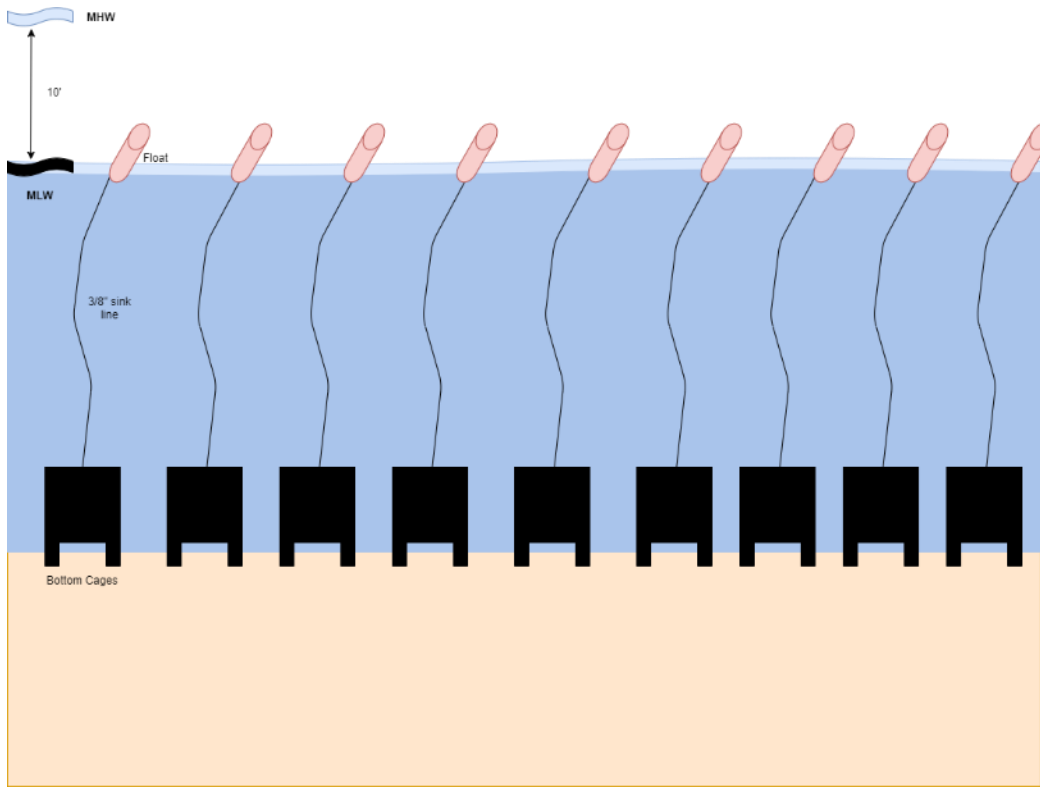


Figure 4b: Cross-section view of bottom cages in Muscongus Bay Aquaculture's proposed "Pen" area.

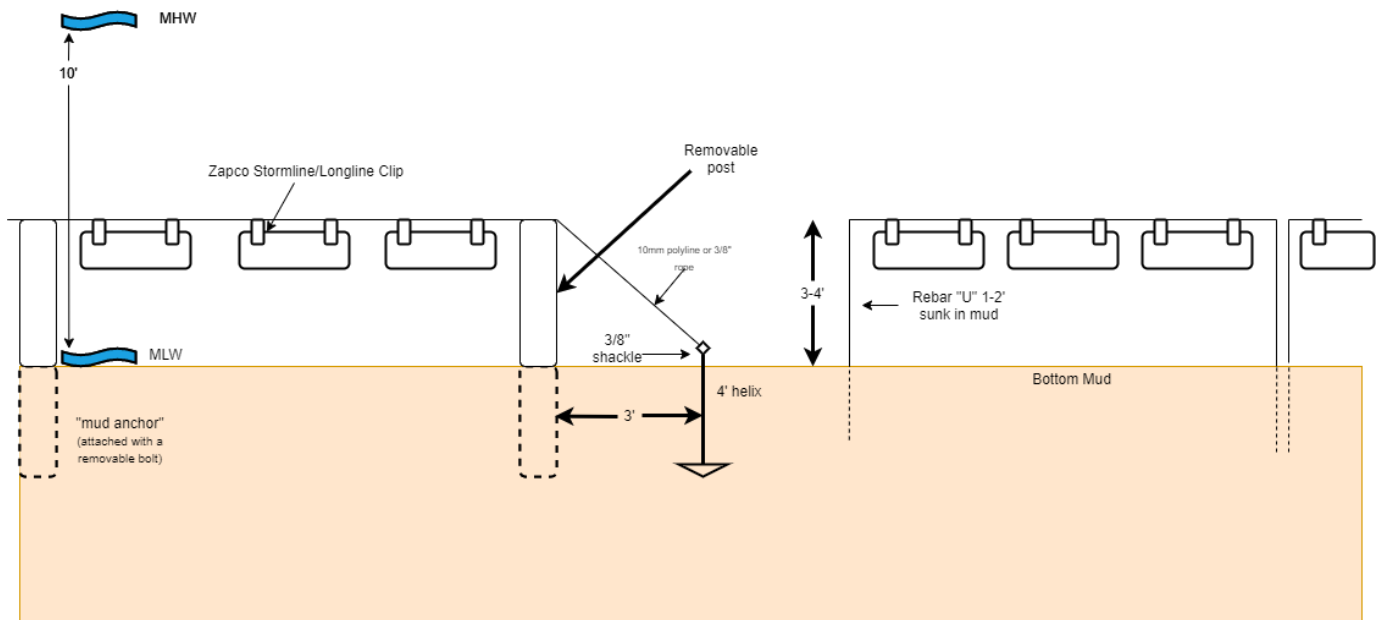


Figure 4c: Cross-section view of Zapco tubes in Muscongus Bay Aquaculture's proposed "Nearshore" area.

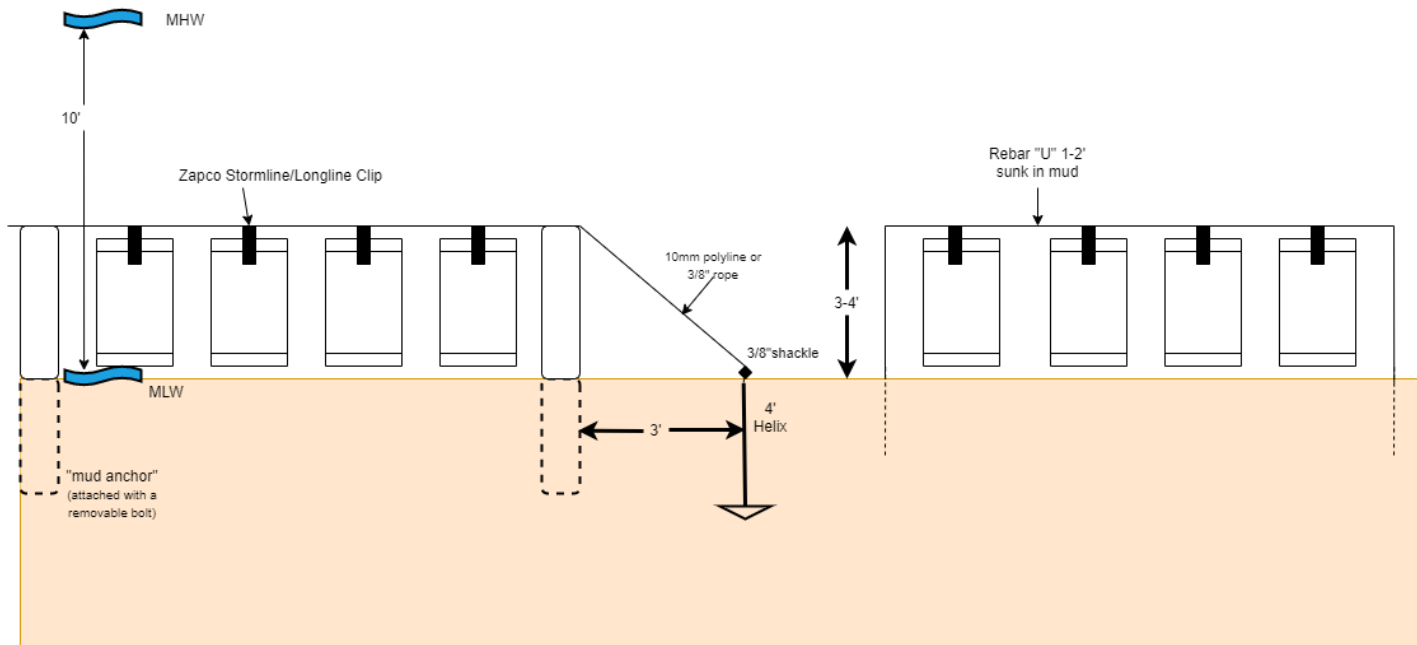


Figure 4d: Cross-section view of Flip bags in Muscongus Bay Aquaculture’s proposed “Nearshore” area.

### C) Gear Description

**Directions:** List and describe each individual gear type that you will use in the table below.

Specific Gear Type (e.g. soft mesh bag)	Dimensions (e.g. 16"x20"x2")	Time of year gear will be deployed (e.g. Spring, Winter, etc.)	Maximum amount of this gear type that will be deployed on the site (i.e. 200 cages, 100 lantern nets, etc.)	Species that will be grown using this gear type
Zapco Tube	13" x 35"	Spring, Summer, Fall, early winter	Approx. 750	Oysters, Clams, Scallops
"Flip Bag"	21"x28"x5"	Spring, Summer, Fall, Early Winter	Approx. 850	Oysters, Clams, Scallops
Surface Pen	25'x20'x46"	Spring, Summer, Fall, Early Winter	9	Oysters, Clams, Scallops
Bottom Cage	50"x50"x45"	Year-round	107	Oysters, Clams, Scallops
Dark Sea Tray	24"x24"x4"	Year-round	4,280	Oysters, Clams, Scallops

### D) Gear Drawing (please label this "Gear Drawing").

**Directions:** Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. The drawing(s) needs to depict the length, width, and height of each gear type with appropriate units referenced (i.e. 10in, 10ft, etc.).

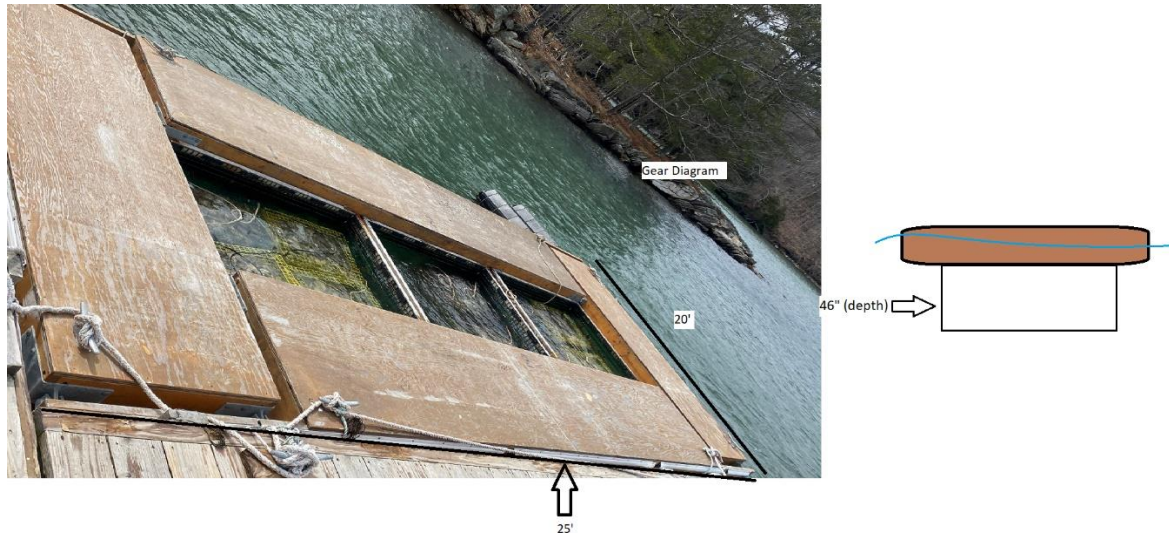
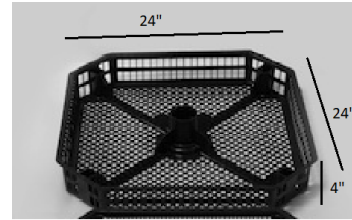
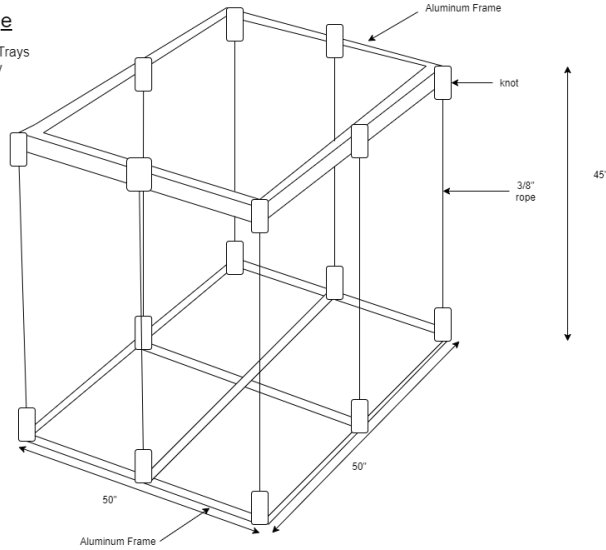


Figure 5a: Gear Drawing of "Surface Pen" proposed in Muscongus Bay Aquaculture's experimental lease application.

**Bottom Cage**

Holds four Dark Sea Trays stacked vertically



Gear Diagram

Dark Sea Tray:  
24"x24"x4"

Figure 5b: Gear drawing of “Bottom cage” and Dark Sea Tray proposed in Muscongus Bay Aquaculture’s experimental lease application. Each cage contains 40 trays.

**Gear Drawing**

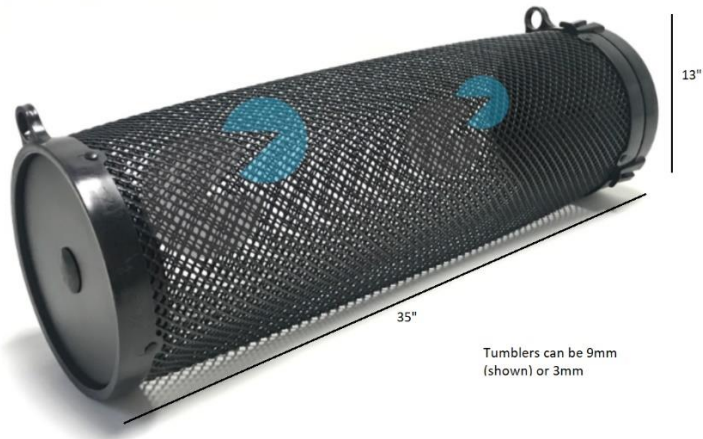


Figure 5c: Gear Drawing of Zapco tube and “Flip bag” proposed in Muscongus Bay Aquaculture’s experimental lease application.



### 13. MARKING

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80?

Yes     No

If you answered no, explain why and suggest alternate markings.

**Note:** If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard regulations contact: 1<sup>st</sup> Coast Guard District, Aids to Navigation Office.

## 14. RIPARIAN LANDOWNERS AND SITE ACCESS

A. If your lease is within 1,000ft of shorefront land (which extends to mean low water or 1,650 ft. from shore, whichever is less), the following supporting documents are required:

1. A labeled copy of a tax map(s) depicting the location of the proposed lease site and including the following elements:
  - Label the map “Tax Map: Town of (name of town).”
  - Legible scale
  - Tax lot numbers clearly displayed
  - The boundaries of the proposed lease

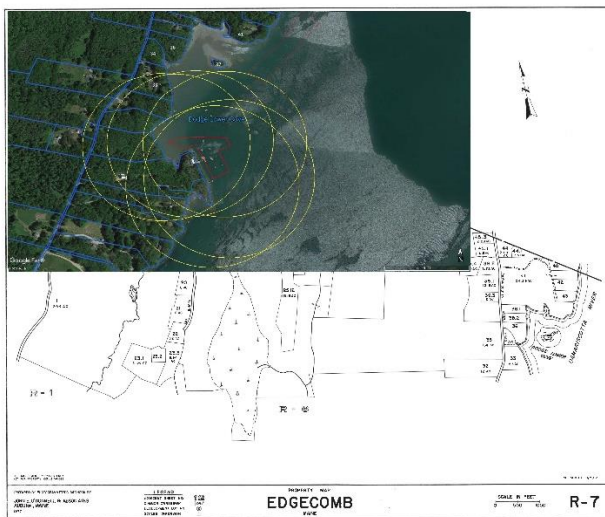
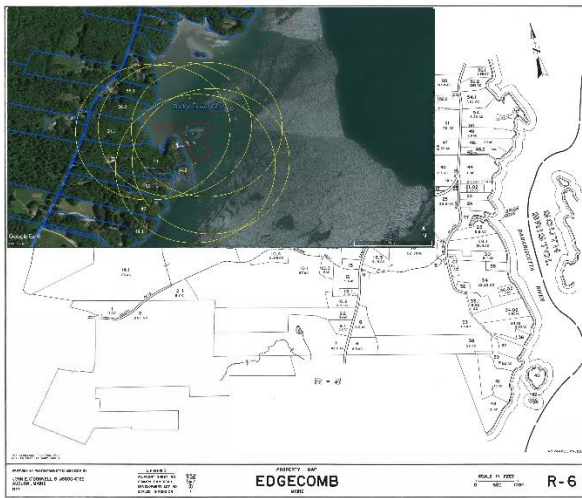


Figure 6: Edgecomb tax maps R-7, R-6. See larger images as **Appendix 1 and 2.**

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

**See Appendix 3a, 3b**

3. If any portion of the site is intertidal you need to complete the steps outlined in “17. Landowner/Municipal Permission Requirements”.  
N/A

**B. Will your access to the lease area be across riparian land?**

Yes     No

**Note:** If you selected yes, you will need to complete the landowner permission requirements included in “17. Landowner/Municipal Permission Requirements” of this application.

**C. How will you access the proposed site?**

We will access the site from our facility and dock located at Ring Point lane, off River road in Edgecomb, Maine.

## 15. ESCROW ACCOUNT OR PERFORMANCE BOND

Check the category that describes your operation:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
<input type="checkbox"/>	No gear/structure, no discharge	None
<input type="checkbox"/>	No gear/structure, discharge	\$500.00
<input type="checkbox"/>	≤ 400 square feet of gear/structure, no discharge	\$1,500.00
<input checked="" type="checkbox"/>	>400 square feet of gear/structure, no discharge	\$5,000.00*
<input type="checkbox"/>	Gear/Structure, discharge	\$25,000.00

\*DMR may increase the bond/escrow requirements for leases with more than 2,000 feet of structure.

I, (*printed name of applicant*) Tonie Simmons have read DMR Aquaculture Regulations 2.64(10)(D) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.



(General Manager)

5/12/2021

**Applicant Signature**

**Date**

*Note: Add title if signing on behalf of a corporate applicant.*

**ADDITIONAL APPLICANTS:** Each applicant must sign this section indicating that they will open an escrow account or obtain a performance bond. Use the space below for additional persons listed on the application. You may attach additional pages, if necessary.

I, (*printed name of applicant*) \_\_\_\_\_ have read DMR Aquaculture Regulations 2.64(10)(D) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date**

*Note: Add title if signing on behalf of a corporate applicant.*

## 16. APPLICANT SIGNATURE PAGE

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 experimental lease process.

Printed name: Tonie Simmons

Title (*if corporate applicant*): Managing Member

Signature:  (General Manager) \_\_\_\_\_ Date: 5/12/2021

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 (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.

## 17. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS *(if applicable)*

### **PART I: The use of private property to access your site.**

Pursuant to 2.64(C)(6) if you are using private property to access the proposed lease site, you need to submit written permission from the property owner with your application. It is your responsibility to obtain written permission. Please note that the Department does not provide forms for landowner or municipal permission. **If any portion of your site is also intertidal you will need to complete the steps outlined in Part II, below.**

### **PART II: If any portion of the site is intertidal you need to complete the following steps:**

#### **Step I: Obtain written permission from all intertidal landowners.**

Pursuant to 2.64(C)(6) the Department requires *written permission of every owner of intertidal land in, on, or over which the experimental activity will occur*. It is your responsibility to obtain written permission and include it with your application materials. Please note that the Department does not provide forms for landowner permission.

#### **Step II: Determine if the municipality where your site is located has a shellfish conservation program.**

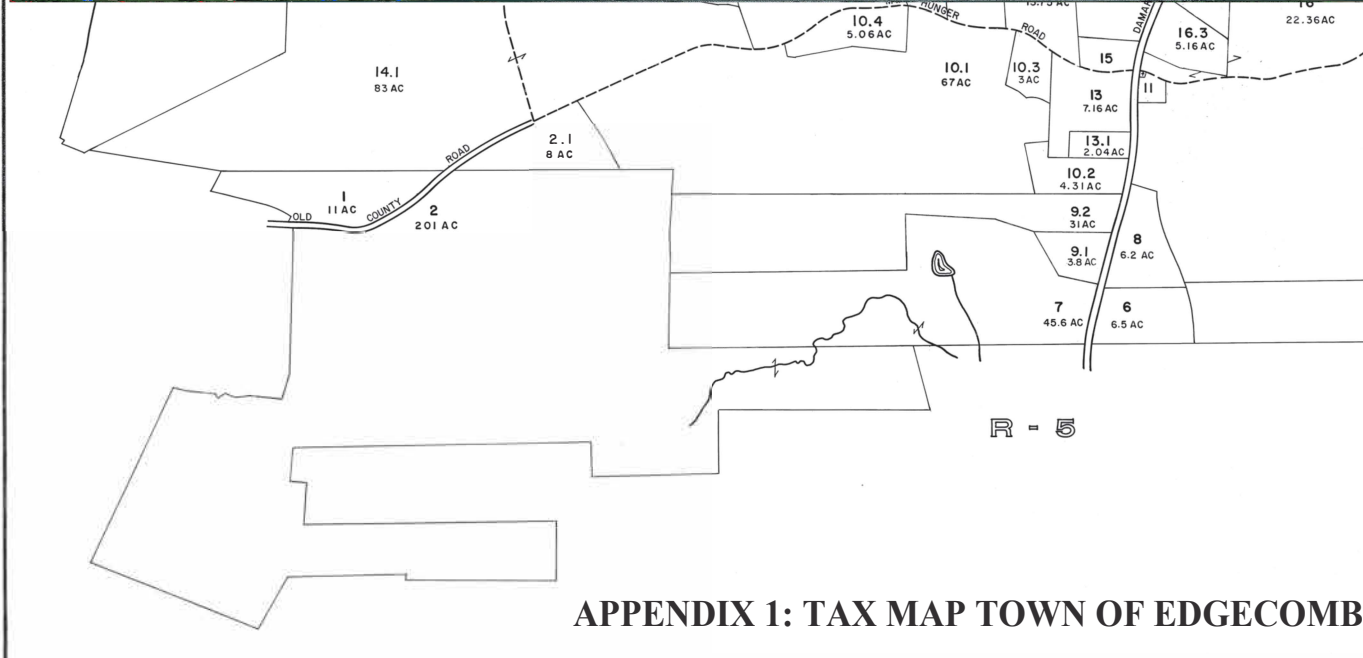
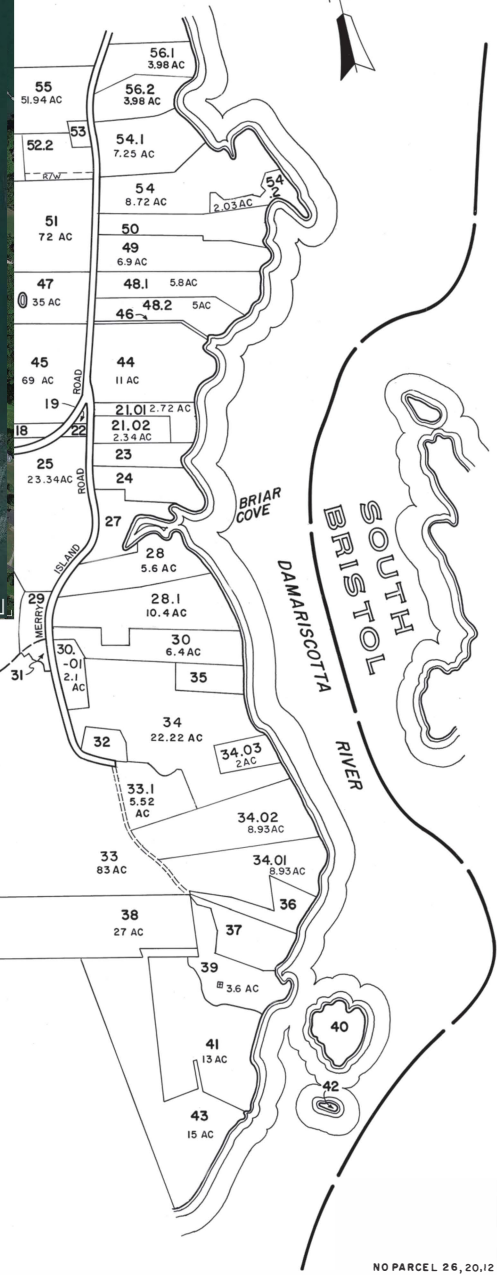
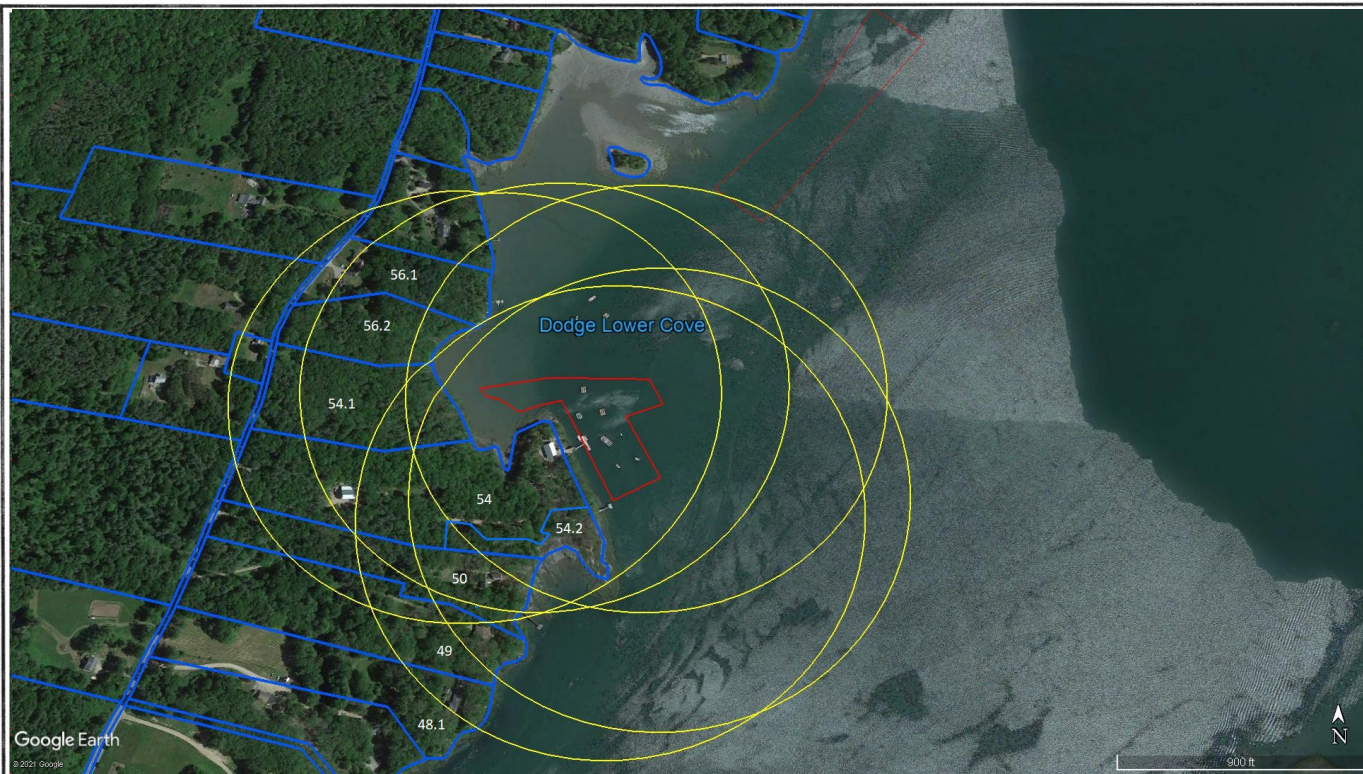
Pursuant to 12 MRSA §6072(3) *In any municipality with a shellfish conservation program under section 6671, the Commissioner may not lease areas in the intertidal zone within the municipality without the consent of the municipal officers.*

If the municipality where the proposed lease site is located has a shellfish conservation program, it is your responsibility to obtain consent for the proposed lease site from the municipal officers (i.e. the selectmen or councilors of the town, or the mayor and aldermen or councilors of a city.) Consent means a majority vote of the municipal officers as recorded in a public meeting.

It is your responsibility to contact the municipality and determine if they have a shellfish conservation program. Best practices would include discussing your plans with shellfish committee members, but only the consent of municipal officers is required.

1. Does the municipality, where the proposed site is located, have a shellfish conservation program?  Yes  No

**If you answered yes**, please attach documentation from a public meeting demonstrating that a majority of municipal officers have consented to your proposal.



**APPENDIX 1: TAX MAP TOWN OF EDGECOMB**

FOR ASSESSMENT PURPOSES ONLY  
NOT FOR PROPERTY CONVEYANCES

PREPARED BY PHOTOGRAMMETRIC METHODS BY  
**JOHN E. O'DONNELL & ASSOCIATES**  
AUBURN, MAINE  
1977

**LEGEND**  
ADJACENT SHEET NO.  
COMMON OWNERSHIP  
DEVELOPMENT LOT NO.  
SCALED DIMENSION

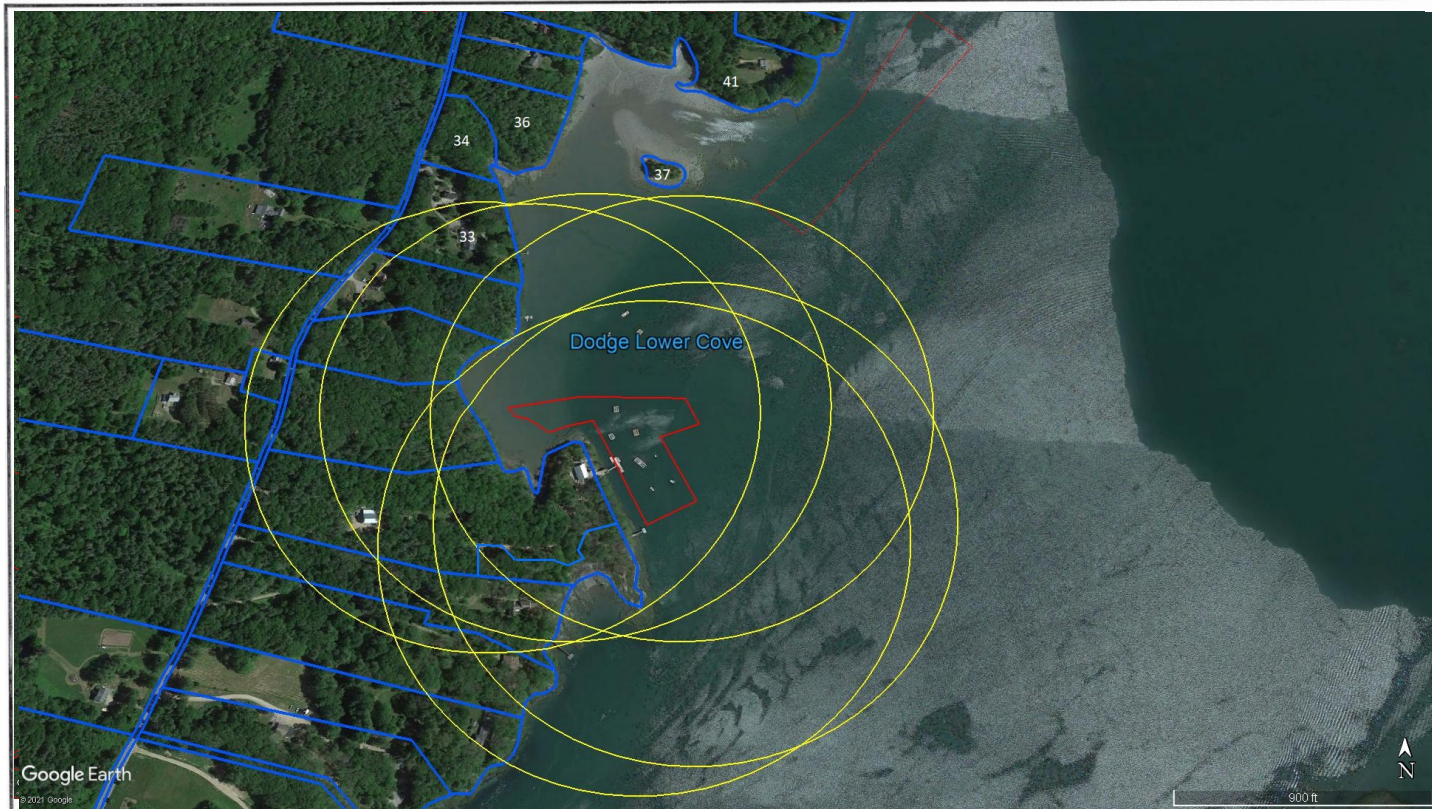
12  
10/1  
±

PROPERTY MAP  
**EDGECOMB**  
MAINE

SCALE IN FEET  
0 500 1000

**R-6**

NO PARCEL 26, 20, 12



Google Earth  
© 2021 Google

900 ft



**APPENDIX 2: TAX MAP TOWN OF EDGECOMB**

FOR ASSESSMENT PURPOSES ONLY  
NOT FOR PROPERTY CONVEYANCES

NO PARCEL 9,5,27

PREPARED BY PHOTOGRAMMETRIC METHODS BY  
**JOHN E. O'DONNELL & ASSOCIATES**  
AUBURN, MAINE  
1977

**LEGEND**  
ADJACENT SHEET NO.  
COMMON OWNERSHIP  
DEVELOPMENT LOT NO.  
SCALED DIMENSION

12  
OR  
±

PROPERTY MAP  
**EDGECOMB**  
MAINE

SCALE IN FEET  
0 500 1000

**R-7**



APPENDIX 3a: RIPARIAN LIST

**RIPARIAN LANDOWNER LIST**

THIS LIST MUST BE **CERTIFIED** BY THE TOWN CLERK

On this list, please include the map number, lot number, and the current owners' names and mailing addresses for all shorefront parcels within 1,000 feet of the lease site. 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 riparian parcels are located within more than one municipality, provide a separate, tax map and certified riparian list for each municipality.

TOWN OF: **EDGECOMB**

MAP #	LOT #	Landowner name(s) and address(es)
06	48.1	Tonry, David C. PO Box 719 Newcastle ME 04553
06	49	Tennant, Joan D. 40 Osprey Ln. Edgecomb ME 04556
06	50	Schuler, Margaret P. PO Box 547 Newcastle ME 04553
06	54	Ring Point, LLC PO Box 204 Bremen ME 04551
06	54.1	Thompson, Richard & Majorie 213 Main st. Cumberland ME 04021
06	56.2	Hong, Stacey, Christine, & Theresa Conrad, Carolyn 7 Osprey LN Portland, ME 04103
06	56.1	Scully, Barbara C 707 River Rd. Edgecomb ME 04556
07	33	Thompson, Leroy Jr. & Karen B. <del>268 Merriman rd.</del> Sewickley PA 15143 3 Fox Hill Farm Rd.

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

**CERTIFICATION**

I, Claudia Coffin, Town Clerk for the Town of Edgecomb 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: Claudia P. Coffin DATE: 04/22/2021

**APPENDIX 3b: RIPARIAN LIST (Cont.)**

**RIPARIAN LANDOWNER LIST**

THIS LIST MUST BE **CERTIFIED** BY THE TOWN CLERK

On this list, please include the map number, lot number, and the current owners' names and mailing addresses for all shorefront parcels within 1,000 feet of the lease site. 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 riparian parcels are located within more than one municipality, provide a separate, tax map and certified riparian list for each municipality.

**TOWN OF:** Edgecomb

MAP #	LOT #	Landowner name(s) and address(es)
R 06	54.2	Simmons, Antonia MacKenzie, Jean P.O. Box 204 Bremen, ME 04551
R 07	41	ING, Audrey 3333 Kamaaina Place Honolulu, HI 96817-1003
R 07	37	Edelson, Harry 412 Braeburn rd. Ho Ho Kus, NJ 07423
R 07	36	Edelson, Harry 412 Braeburn rd. Ho Ho Kus, NJ 07423
R 07	34	Edelson, Harry 412 Braeburn rd. Ho Ho Kus, NJ 07423

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

**CERTIFICATION**

I, Claudia P. Coffin, Town Clerk for the Town of Edgecomb 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: Claudia P. Coffin DATE: 5/6/2021



## MAINE DEPARTMENT OF MARINE RESOURCES

*Aquaculture Division, 21 State House Station, Augusta, ME 04333-0021 (207) 624-6567*

### **CORPORATE APPLICANT FORM** **For Standard and Experimental Aquaculture Lease Applications**

Corporations or partnerships that apply for aquaculture leases in the State of Maine must complete this form. Corporations must submit information as requested under A. Corporate Applicant. Partnerships must submit information as requested under B. Partnership Applicant.

#### **A. Corporate Applicant**

**Note:** You must attach a copy of the Articles of Incorporation (Inc.) or Certificate of Formation (LLC) to your application.

1. Name of Corporation: Muscongus Bay Aquaculture, Inc.

2. Date of incorporation: March 5, 1999 State of incorporation: Maine

3. List the names, addresses, and titles of all officers:

<b>Name</b>	<b>Address</b>	<b>Title</b>
Thierry Bedard	5650 Yonge Street, Toronto, ON M2M 4H5	President, Secretary and Tresurer

**Please use additional sheets if necessary and attach to the application.**

4. List the names and addresses of all directors/members:

<b>Name</b>	<b>Address</b>
Thierry Bedard	5650 Yonge Street, Toronto, ON M2M 4H5
Chris Metrakos	5650 Yonge Street, Toronto, ON M2M 4H5

**Please use additional sheets if necessary and attach to the application.**

5. Has the corporation, or any stockholder, director, or officer applied for an aquaculture lease for Maine lands in the past?  Yes  No

If you selected “yes,” please indicate who applied for the lease and the status of the application or lease.

6. List the names and addresses of all stockholders who own or control at least 5% of the outstanding stock and the percentage of outstanding stock currently owned or controlled by each stockholder.

Name	Address	Percentage of Owned Stock
Atlantic Aqua Farms USA, Inc.	414 Dow Highway, Eliot, Maine, 03903	100%
Chris Metrakos and Thierry Bedard are employees of our parent company Ontario Teachers' Pension Plan (OTPP). OTPP owns 100% of Atlantic Aqua Farms USA, Inc (AAFUSA), who owns 100% of Muscongus Bay Aquaculture (MBAq), who owns 100% of Dodge Cove Marine Farm (DCMF). Chris Metrakos and Thierry Bedard are officers of AAFUSA, MBAq and DCMF.		

**Please use additional sheets if necessary and attach to the application.**

7. List the names and addresses of stockholders, directors, or officers owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person. If none, write, “None.”

Name	Address	Lease Acronym	Acreage
See attached.			

**Please use additional sheets if necessary and attach to the application.**

8. Has the corporation or any officer, director, member, or shareholder listed in item 5 above ever been arrested, indicted, convicted of, or adjudicated to be responsible for any violation of any marine resources or environmental protection law, whether state or federal?

Yes  No

If you selected “yes”, please provide details.

7. List the names and addresses of stockholders, directors, or officers owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person. If none, write, "None."

Name	Address	Lease Acronym	Acres
Dodge Cove Marine Farm, LLC	P.O. Box 204, Bremen, ME 04551	DAM HI	2.0000
Dodge Cove Marine Farm, LLC	P.O. Box 204, Bremen, ME 04551	DAM HI2	6.9500
Dodge Cove Marine Farm, LLC	P.O. Box 204, Bremen, ME 04551	DAM HI5	3.5500
Dodge Cove Marine Farm, LLC	P.O. Box 204, Bremen, ME 04551	DAM NMR NML	0.0365
Muscongus Bay Aquaculture, Inc.	P.O. Box 204, Bremen, ME 04551	DAM DP	6.5300
Muscongus Bay Aquaculture, Inc.	P.O. Box 204, Bremen, ME 04551	DAM GS2	5.0000
Muscongus Bay Aquaculture, Inc.	P.O. Box 204, Bremen, ME 04551	DAM HI3	7.0000

**DOMESTIC  
BUSINESS CORPORATION**

**STATE OF MAINE**

**ARTICLES OF AMENDMENT**

Muscongus Bay Aquaculture, Inc.

(Name of Corporation)

File No. 19991660 D Pages 2  
Fee Paid \$ 50  
DCN 2162643600026 CHNG  
---FILED---  
09/15/2016



Deputy Secretary of State

A True Copy When Attested By Signature



Deputy Secretary of State

Pursuant to 13-C MRSA §1006, the undersigned corporation executes and delivers the following Articles of Amendment:

**FIRST:** The text of the amendment or the information required by 13-C MRSA §121.10.E as set forth in Exhibit A attached, was adopted on (date) July 18, 2016.

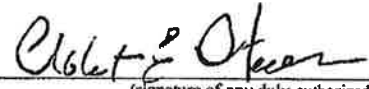
The amendment was duly approved as follows: ("X" one box only.)

- by the incorporators - shareholder approval was not required **OR**
- by the board of directors - shareholder approval was not required **OR**
- by the shareholders in the manner required by this Act and by the articles of incorporation.

**SECOND:** If the amendment provides for an exchange, reclassification or cancellation of issued shares, provisions for implementing the amendment, if not contained in the amendment itself, are set forth in Exhibit \_\_\_\_ or as follows:

**THIRD:** The effective date of the articles of amendment (if other than the date of filing of the articles of amendment) is as of filing.

DATED September 13, 2016

\*By   
(signature of any duly authorized person)

**Robert E. Stevens, Clerk**

(type or print name and capacity)

This document **MUST** be signed by any duly authorized officer **OR** the clerk. (13-C MRSA §121.5)

Please remit your payment made payable to the Maine Secretary of State.

**SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,  
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101  
TEL. (207) 624-7752**

MO. MBCA-9 (1 of 1) Rev. 8/1/2004

**EXHIBIT A**

**to**

**Articles of Amendment**

**for**

**Muscongus Bay Aquaculture, Inc. ("Corporation")**

**VOTED:** That the minimum number of directors of the Corporation shall be one (1) and the maximum number of directors of the Corporation shall be three (3); and

**VOTED:** That Robert E. Stevens, Clerk of the Corporation is authorized to file Articles of Amendment with the Maine Secretary of State to reflect the above vote.

# State of Maine



## Department of the Secretary of State

*I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the reports of organization, amendment and dissolution of corporations and annual reports filed by the same.*

*I further certify that MUSCONGUS BAY AQUACULTURE, INC. is a duly organized business corporation under the laws of the State of Maine and that the date of incorporation is March 05, 1999.*

*I further certify that on:*

<i>March 05, 1999</i>	<i>ARTICLES OF INCORPORATION were filed.</i>
<i>October 05, 2001</i>	<i>CHANGE OF CLERK AND REGISTERED OFFICE was filed.</i>
<i>November 01, 2001</i>	<i>AMENDMENT was filed.</i>
<i>May 01, 2003</i>	<i>CHANGE IN NUMBER AND/OR EXISTENCE OF DIRECTORS was filed.</i>

*No further amendments have been filed to date.*

*I further certify that said business corporation has filed annual reports due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the charter and that according to the records in the Department of the Secretary of State, said corporation is a legally existing business corporation in good standing under the laws of the State of Maine at the present time.*

*In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this sixteenth day of February 2010.*



A handwritten signature in black ink, appearing to be 'John D....'.



***MATTHEW DUNLAP***  
***Secretary of State***

DOMESTIC  
BUSINESS CORPORATION

STATE OF MAINE

ARTICLES OF AMENDMENT

(Shareholders Voting as One Class)

Muscongus Bay Aquaculture, Inc.

(Name of Corporation)

Minimum Fee \$35 (See §1401 sub-§15)

File No. 19991660 D Pages 3  
Fee Paid \$ 35  
DCN 2031281200013 CHNG  
---FILED---  
05/01/2003

  
Deputy Secretary of State

A True Copy When Attested By Signature

  
Deputy Secretary of State

Pursuant to 13-A MRSA §§805 and 807, the undersigned corporation adopts these Articles of Amendment:

**FIRST:** All outstanding shares were entitled to vote on the following amendment as one class.

**SECOND:** The amendment set out in Exhibit A attached was adopted by the shareholders on (date) February 13, 2003  
("X" one box only)

at a meeting legally called and held OR  by unanimous written consent

**THIRD:** Shares outstanding and entitled to vote and shares voted for and against said amendment were:

<u>Number of Shares Outstanding and Entitled to Vote</u>	<u>NUMBER Voted For</u>	<u>NUMBER Voted Against</u>
1000 shares	1000 shares	-0-

**FOURTH:** If such amendment provides for exchange, reclassification or cancellation of issued shares, the manner in which this shall be effected is contained in Exhibit B attached if it is not set forth in the amendment itself.

**FIFTH:** If the amendment changes the number or par values of authorized shares, the number of shares the corporation has authority to issue thereafter, is as follows:

<u>Class</u>	<u>Series (If Any)</u>	<u>Number of Shares</u>	<u>Par Value (If Any)</u>
--------------	------------------------	-------------------------	---------------------------

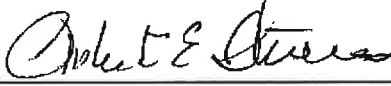
Not applicable

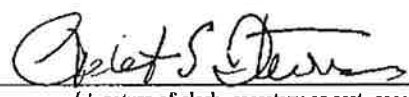
The aggregate par value of all such shares (of all classes and series) having par value is \$ \_\_\_\_\_

The total number of all such shares (of all classes and series) without par value is \_\_\_\_\_ shares

SIXTH: The address of the registered office of the corporation in the State of Maine is One Canal Plaza, 10th floor,  
P.O. Box 7320, Portland, ME 04112-7320  
(street, city, state and zip code)

DATED April 29, 2003

\*By   
(signature)  
**Robert E. Stevens, Clerk**  
(type or print name and capacity)

**MUST BE COMPLETED FOR VOTE  
OF SHAREHOLDERS**  
I certify that I have custody of the minutes showing  
the above action by the shareholders.  
  
(signature of clerk, secretary or asst. secretary)

\*By \_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(type or print name and capacity)

NOTE: This form should not be used if any class of shares is entitled to vote as a separate class for any of the reasons set out in §806, or because the articles so provide. For vote necessary for adoption see §805.

- \*This document **MUST** be signed by
- (1) the **Clerk** OR
  - (2) the **President** or a vice-pres. together with the **Secretary** or an ass't. sec., or a 2nd certifying officer OR
  - (3) if no such officers, then a majority of the **Directors** OR
  - (4) if no such directors, then the **Holder of a majority of all outstanding shares** OR
  - (5) the **Holder of all of the outstanding shares.**

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,  
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101  
TEL. (207) 624-7740

**EXHIBIT A**

To Articles of Amendment  
Muscongus Bay Aquaculture, Inc.

- \* Article Third, Item A.4. of the Articles of Incorporation of the Corporation is hereby amended to read as follows:

If the board is so authorized, the minimum number, if any, shall be three (3) directors and the maximum number, if any, shall be five (5).

DOMESTIC  
BUSINESS CORPORATION

STATE OF MAINE

CHANGE OF CLERK ONLY or CHANGE  
OF CLERK AND REGISTERED OFFICE

Muscongus Bay Aquaculture, Inc.  
(Name of Corporation)

Filing Fee \$20.00

File No. 19991660 D Pages 2  
Fee Paid \$ 20  
DCN 2012851500028 CLRD  
-----FILED-----  
10/05/2001

*Julie R. Flynn*  
Deputy Secretary of State

A True Copy When Attested By Signature

*Julie R. Flynn*  
Deputy Secretary of State

Pursuant to 13-A MRSA §304, the undersigned corporation executes and delivers for filing the following change(s):

**FIRST:** The name and registered office of the clerk appearing on the record in the Secretary of State's office:

Hylie A. West

(name)

Bristol Road, Damariscotta, ME 04543

(street, city, state and zip code)

**SECOND:** The name and registered office of the successor (new) clerk, who must be a Maine resident:

Robert E. Stevens

(name)

c/o Curtis Thaxter Stevens Broder & Micoletau LLC  
One Canal Plaza, 10th Floor, Portland, ME 04101

(physical location - street (not P.O. Box), city, state and zip code)

P.O. Box 7320, Portland, ME 04112-7320

(mailing address if different from above)

**THIRD:** Upon a change in clerk this must be completed:

Such change was authorized by the board of directors and the power to make such change is not reserved to the shareholders by the articles or the bylaws.

Such change was authorized by the shareholders.

DATED 10/04/01

\*By Robert E. Stevens  
(signature)

Robert E. Stevens, Clerk  
(type or print name and capacity)

\*By \_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name and capacity)

**MUST BE COMPLETED FOR VOTE  
OF SHAREHOLDERS**

I certify that I have custody of the minutes showing the above action by the shareholders.

Robert E. Stevens  
(signature of clerk, secretary or asst. secretary)

**THE FOLLOWING SHALL BE COMPLETED BY THE CLERK UNLESS THIS DOCUMENT IS ACCOMPANIED BY FORM MBCA-18A (§304.2-A.).**

The undersigned hereby accepts the appointment as clerk for the above-named domestic business corporation.

CLERK  
Robert E. Stevens  
(signature)

DATED 10/04/01  
Robert E. Stevens  
(type or print name)

- \*This document **MUST** be signed by
- (1) the **NEW Clerk** OR
  - (2) the **President** or a vice-pres. together with the **Secretary** or an ass't. sec., or a 2nd certifying officer OR
  - (3) if no such officers, then a majority of the **Directors** OR
  - (4) if no such directors, then the  **Holders of a majority of all outstanding shares** OR
  - (5) the  **Holders of all of the outstanding shares.**

**SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,  
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101  
TEL. (207) 287-4195**

DOMESTIC  
BUSINESS CORPORATION

STATE OF MAINE

ARTICLES OF AMENDMENT

(Shareholders Voting as One Class)

Muscongus Bay Aquaculture, Inc.  
(Name of Corporation)

Minimum Fee \$35 (See §1401 sub-§15)

File No. 19991660 D Pages 4  
Fee Paid \$ 35  
DCN 2013091800066 AMEN  
-----FILED-----  
11/01/2001

*Julia R. Flynn*  
Deputy Secretary of State

A True Copy When Attested By Signature  
*Julia R. Flynn*  
Deputy Secretary of State

Pursuant to 13-A MRSA §§805 and 807, the undersigned corporation adopts these Articles of Amendment:

**FIRST:** All outstanding shares were entitled to vote on the following amendment as one class.

**SECOND:** The amendment set out in Exhibit A attached was adopted by the shareholders on (date) October 5, 2001  
("X" one box only)

at a meeting legally called and held OR  by unanimous written consent

**THIRD:** Shares outstanding and entitled to vote and shares voted for and against said amendment were:

<u>Number of Shares Outstanding and Entitled to Vote</u>	<u>NUMBER Voted For</u>	<u>NUMBER Voted Against</u>
1,000	1,000	

**FOURTH:** If such amendment provides for exchange, reclassification or cancellation of issued shares, the manner in which this shall be effected is contained in Exhibit B attached if it is not set forth in the amendment itself.

**FIFTH:** If the amendment changes the number or par values of authorized shares, the number of shares the corporation has authority to issue thereafter, is as follows:

<u>Class</u>	<u>Series (If Any)</u>	<u>Number of Shares</u>	<u>Par Value (If Any)</u>
--------------	------------------------	-------------------------	---------------------------

The aggregate par value of all such shares (of all classes and series) having par value is \$ \_\_\_\_\_

The total number of all such shares (of all classes and series) without par value is \_\_\_\_\_ shares

SIXTH: The address of the registered office of the corporation in the State of Maine is c/o Curtis Thaxter Stevens  
Broder & Micoleau LLC, One Canal Plaza, 10th Floor, Portland, ME 04101  
(street, city, state and zip code)

DATED October 31, 2001

\*By   
(signature)


Robert E. Stevens, Clerk  
(type or print name and capacity)

\*By \_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name and capacity)

**MUST BE COMPLETED FOR VOTE  
OF SHAREHOLDERS**

I certify that I have custody of the minutes showing  
the above action by the shareholders.

  
(signature of clerk, secretary or asst. secretary)

NOTE: This form should not be used if any class of shares is entitled to vote as a separate class for any of the reasons set out in §806, or because the articles so provide. For vote necessary for adoption see §805.

- \*This document **MUST** be signed by
- (1) the Clerk OR
  - (2) the President or a vice-pres. together with the Secretary or an ass't. sec., or a 2nd certifying officer OR
  - (3) if no such officers, then a majority of the Directors OR
  - (4) if no such directors, then the  Holders of a majority of all outstanding shares  OR
  - (5) the  Holders of all of the outstanding shares .

**SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,  
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101  
TEL. (207) 287-4195**



EXHIBIT A  
to Articles of Amendment  
Muscongus Bay Aquaculture, Inc.

1. Article Sixth of the Articles of Incorporation of the Corporation is hereby amended to read as follows:

There are no preemptive rights.

2. Article Seventh of the Articles of Incorporation of the Corporation is hereby amended to read as follows:

Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, are set out in Exhibit A attached hereto and made a part hereof.

EXHIBIT A  
to Exhibit A  
to Articles of Amendment  
Muscongus Bay Aquaculture, Inc.

The business and affairs of the corporation may be subject to a shareholder agreement between the corporation and all of its shareholders. In the event of a conflict between these Articles of Incorporation and said shareholder agreement, the shareholder agreement shall be controlling. A copy of any such shareholder agreement shall be put on file with the records of the Corporation.

DOMESTIC  
BUSINESS CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

(Check box only if applicable)

- This is a professional service corporation formed pursuant to 13 MRSA Chapter 22.

Minimum Fee \$105. (See §1403 sub-§§1 and 2)

File No. 19991660 D Pages 3  
Fee Paid \$ 105  
DCN 1990701801014 ARTI  
-----FILED-----  
05-MAR-99

*Julie R. Flynn*  
Deputy Secretary of State

A True Copy When Attested By Signature

*Julie R. Flynn*  
Deputy Secretary of State

Pursuant to 13-A MRSA §403, the undersigned, acting as incorporator(s) of a corporation, adopt(s) the following Articles of Incorporation:

**FIRST:** The name of the corporation is MUSCONGUS BAY AQUACULTURE, INC.  
and its principal business location in Maine is 253 Academy Hill Road, Newcastle, ME 04553  
(physical location - street (not P.O. Box), city, state and zip code)

**SECOND:** The name of its Clerk, who must be a Maine resident, and the registered office shall be:  
Hylie A. West, Attorney at Law  
(name)  
Bristol Road, Damariscotta, ME 04543  
(physical location - street (not P.O. Box), city, state and zip code)  
P.O. Box 1419, Damariscotta, ME 04543  
(mailing address if different from above)

THIS FORM **MUST** BE ACCOMPANIED BY FORM MBCA-18A (Acceptance of Appointment as Clerk §304.2-A.).

**THIRD:** ("X" one box only)

A. 1. The number of directors constituting the initial board of directors of the corporation is one (See §703.1.A.)

2. If the initial directors have been selected, the names and addresses of the persons who are to serve as directors until the first annual meeting of the shareholders or until their successors are elected and shall qualify are:

NAME	ADDRESS
<u>Antonina Simmons</u>	<u>253 Academy Hill Road</u> <u>Newcastle, ME 04553</u>
_____	_____
_____	_____

3. The board of directors  is  is not authorized to increase or decrease the number of directors.

4. If the board is so authorized, the minimum number, if any, shall be 1 directors, (See §703.1.A.) and the maximum number, if any, shall be 3 directors.

B. There shall be no directors initially; the shares of the corporation will not be sold to more than twenty (20) persons; the business of the corporation will be managed by the shareholders. (See §701.2.)

**FOURTH:** ("X" one box only)

There shall be only one class of shares (title of class) common

Par value of each share (if none, so state) none Number of shares authorized 3,000

There shall be two or more classes of shares. The information required by §403 concerning each such class is set out in Exhibit      attached hereto and made a part hereof.

**SUMMARY**

The aggregate par value of all authorized shares (of all classes) having a par value is \$                     

The total number of authorized shares (of all classes) without par value is 3,000 shares

**FIFTH:** ("X" one box only) Meetings of the shareholders  may  may not be held outside of the State of Maine.

**SIXTH:** ("X" if applicable)  There are no preemptive rights.

**SEVENTH:** Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, are set out in Exhibit      attached hereto and made a part hereof.

**INCORPORATORS**

Hylie A. West  
(signature)

Hylie A. West  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

**DATED** March 4, 1999

**Street** 236 Back Meadow Road  
(residence address)

Nobleboro, ME 04555  
(city, state and zip code)

**Street** \_\_\_\_\_  
(residence address)

\_\_\_\_\_  
(city, state and zip code)

**Street** \_\_\_\_\_  
(residence address)

\_\_\_\_\_  
(city, state and zip code)

**For Corporate Incorporators\***

Name of Corporate Incorporator \_\_\_\_\_

By \_\_\_\_\_  
(signature of officer)

\_\_\_\_\_  
(type or print name and capacity)

**Street** \_\_\_\_\_  
(principal business location)

\_\_\_\_\_  
(city, state and zip code)

**\*Articles are to be executed as follows:**

If a corporation is an incorporator (§402), the name of the corporation should be typed and signed on its behalf by an officer of the corporation. The articles of incorporation must be accompanied by a certificate of an appropriate officer of the corporation, not the person signing the articles, certifying that the person executing the articles on behalf of the corporation was duly authorized to do so.

**SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,  
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101**

**DOMESTIC  
BUSINESS CORPORATION**

**STATE OF MAINE**

**ACCEPTANCE OF APPOINTMENT  
AS CLERK OF**

MUSCONGUS BAY AQUACULTURE, INC.  
(name of domestic business corporation)

Pursuant to 13-A MRSA §304.2-A, the undersigned hereby accepts the appointment as clerk for the above named domestic business corporation.

**CLERK**

Hylie A. West  
(signature)

**DATED** March 4, 1999

Hylie A. West  
(type or print name)

**SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,  
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101**

**FORM NO. MBCA-18A 97**

**TEL. (207) 287-4195**

APPENDIX 6: MLW transects

Mean Low water Transects:

walked tide on 5/12 at 6:50-7:00am

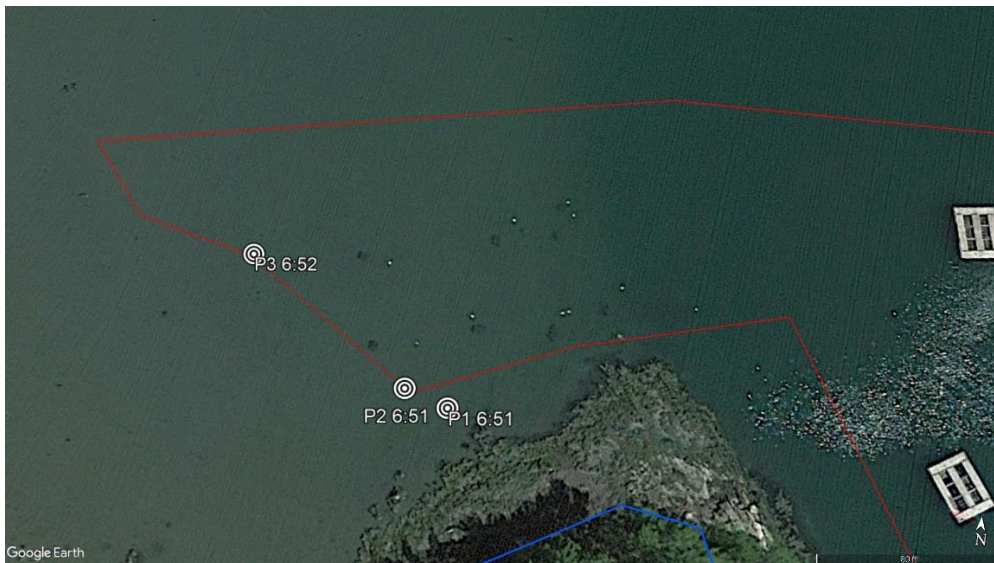
low tide of .11 at 6:55am

Our concern is over the South West part of our lease....the chart does not accurately represent the tide for this area right off our property.

**Figure 1:** MLW GPS points 1, 2, and 3 overlaid with proposed lease and depth chart.



**Figure 2:** MLW GPS points 1, 2, and 3 with proposed lease overlaid.



**Figure 3: P1 coordinates and time (6:51am)**



**Figure 4: P2 coordinates and time (6:51)**



**Figure 5:** P3 Coordinates and time (6:52)



**Figure 6:** Looking back at the Ring Point Facility, time 6:53am



approx location: 43 58 31.75//69 34 26.28

...all photos can be provided in their original form...



8/1/2021

During the course of our application for this experimental lease we became aware of some concerns the property owner of lot 56.1 had. Barb Scully has been on our river farming and diving for years: her former company, Glidden Point Oyster Farms, created one of Maine's Premier oysters and she undoubtedly has knowledge and experience in the leasing process and the effects they can have. Ms. Scully expressed concerns over the silting she is experiencing at her dock and on her LPA's. She worries our lease will increase this effect and could impact her business that she currently runs selling shellfish at her retail stand.

We take her concerns very seriously but cannot agree with her fears. Our own company has been in operation for over 20 years, and we have a team with as much experience on the river and growing oysters as any company in Maine. We have reached out to other farmers who use some of the growing techniques we applied for and have not heard of Zapco tumblers, storage rafts, and submerged cages increasing siltation. I (Jeff Auger) personally have not experienced this on the numerous LPA's and leases I have worked in the past 3 years using the tumbler technique. Dragging for oysters does release a silt cloud, but this has been shown to dissipate very quickly and have minimal impacts.<sup>1</sup> Furthermore, we have oysters in between the dragging area and Ms. Scully's dock, which would filter out any silt in the water.

We feel Ms. Scully's concerns are speculative and should not prevent our company from determining if this area is suitable to grow oysters and other shellfish. We significantly scaled back the amount of gear requested on the site in response to her concerns. We pride ourselves on being good neighbors, and stewards of the river; we never want our impacts to harm a fellow farmer or their operation and feel that we are in no danger of doing so with this lease.

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<sup>1</sup> "Overall, findings consistently support the same conclusion: the short - term effects of subtidal escalator harvesters are minimal, with no long - term chronic effects, even under worst case scenarios. Observed effects are often indistinguishable from ambient levels or natural variability." Coen (1995) *quoted in Environmental Impacts Related to Mechanical Harvest of Cultured Shellfish, Shellfish Aquaculture and the Environment*, First Edition. Edited by Sandra E. Shumway. 2011