

## EXPERIMENTAL LEASE APPLICATION

### 1. APPLICANT CONTACT INFORMATION

<b>Applicant</b>	Peter Smith
<b>Contact Person</b>	Peter Smith
<b>Address</b>	PO Box 594
<b>City</b>	Newcastle
<b>State, Zip</b>	ME 04553
<b>County</b>	Lincoln
<b>Telephone</b>	207-380-2788
<b>Email</b>	peter.ames@gmail.com
<b>Payment Type</b>	<input checked="" type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card

*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	
<b>Town</b>	Newcastle
<b>Waterbody</b>	Damariscotta River
<b>General Description (e.g. south of B Island)</b>	Upper Dodge Cove
Lease Information	
<b>Total acreage (4-acre maximum) and lease term (3-year maximum) requested</b>	3.96 acres, 3 years
<b>Type of culture (check all that apply)</b>	<input 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)
<b>Is any portion of the proposed lease site above mean low water?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Note:** If you selected yes, you need to complete the steps outlined in the section titled: "17. Landowner/Municipal Permission Requirements".

### 3. GROWING AREA DESIGNATION

**Directions:** Information for growing area designations can be found here:

<https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>

Growing Area Designation (e.g. "WL"):	WQ
Growing Area Section (e.g. "A1"):	none

**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 your 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 or juveniles	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1. Eastern American Oyster, <i>Cassostrea Virginica</i>	Muscongus Bay Aquaculture 24 Seal Ledge Ln Bremen, ME04551 Or wilds area No. WQ	600,000-800,000
2. <i>Ostrea Edulis</i>	Kyle Pepperman Downeast Institute 39 Wildflower Ln/POBOX83 Deals, ME 04611	600,000-800,000
3.		
4.		
5.		

**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 your 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 – See page Number 18**

**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

## **6. BOUNDARY DRAWING – See page Number 19**

**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.

## 7. RESEARCH PROGRAM AND OPERATIONS

**Directions:** If you are cultivating more than one species, you will need to provide the below 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. What is the purpose of the study? If scientific, please include a detailed study design.**

Purpose of this study is to determine viability of oyster cultivation in proposed area.

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

Growing oysters in floating cages.

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

Seeding and tending to take place April- November. Harvesting to take place year round.

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

Seeding period: activity on site will be 2-3 times per week.

Harvesting period: activity on site will be 1-2 times per week.

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

Surface season: 3-7 days per week as needed. Winter season: 1-2 days per week as needed.

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

Hand harvesting. No dragging/dredging.

**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.**

Growout cages will remain on site year round.

**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?**

Alumnum Meyers oyster barge with crane is used to tend cages. It is equipped with a hydraulic crane powered by a 5 hp gas engine.

A hydraulically powered tube sorter will be used to sort and clean oysters.

All hydraulic systems are filled with food grade vegetable canola oil.

Carolina Skiff will also be on site.

**J. 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.**

N/A

## **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 c) frequency, and d) proximity to the lease site for each existing use.**

### **1. Commercial Fishing**

Commercial lobstering South and East of the proposed site. 825 feet from the site April – December.

### **2. Recreational Fishing**

None observed.

### **3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)**

East side of the site is approx. 400 feet west of the main channel. Site is well beyond 300 feet of any dock or mooring. Boats occasionally pass through the area.

**4. Ingress and egress (i.e. coming and going) of shorefront property owners within 1,000 feet of the proposal (e.g. docks, moorings, landing boats on shore, etc.)**

The site will not interfere with riparian ingress or egress.

**5. Other uses (kayaking, swimming, etc.)**

Swimming, Kayaking, paddleboards from docks observed during summer months.

**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.**

No. The site is over 1000 feet away from the Dodge Point State Park dock/pier and from the closest private dock on the west side of the river.

**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.**

No. See 5B. Dodge Point State Park Dock/pier is over 1000 feet away.

**D. Are there any Limited Purpose Aquaculture (LPA) licenses or aquaculture leases within 1,000 feet of your proposed lease site? If yes, please list their acronyms below.**

Current and pending aquaculture leases and active LPA licenses may be found here:  
<https://www.maine.gov/dmr/aquaculture/leases/index.html>

Yes. My 3 LPAs: PSMI821, PSMI 921, and PSMI1021

## 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.**

I have 3 LPAs: PSMI 821, PSMI 921, PSMI 1021 in the area.  
I have one LPA, PSMI414, for an upweller not in area: located at Schooner Landing in Damariscotta.

**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.**

I plan on keeping them, for now.

## 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.**

Commercial lobstering not permitted.



## 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?**

MLW: 13-14 feet.

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

MHW: 26 feet

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

1.5 knots to 2 knots of water flow from North to South as the tide flows.

**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.)?**

Soft mud 4 feet deep, Firm mud below the soft mud.

<p><b>2. Describe the bottom topography (flat, steep rough, etc.).</b></p>
<p>Flat bottom gently sloping uphill from the south-north.</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>Common crabs, common worms, common shrimp.</p>
<p><b>4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</b></p>
<p>N/A</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 eelgrass observed at any time during the year. Some detached, decomposing macro algae observed year round. Observed daily February through October 2021, and for several years prior.</p>

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

Rocky Maine coastline with heavily forested residential area. Dodge Point State Park located to the North. Mostly forested, save a few walking trails and access road.

**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”): See page Number 20

**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.

### **B) Cross-Section View** (please label this “Cross Section View”): See page Number 21

**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).

### C) Gear Description

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

<b>Specific Gear Type</b> (e.g. soft mesh bag)	<b>Dimensions</b> (e.g. 16"x20"x2")	<b>Time of year gear will be deployed</b> (e.g. Spring, Winter, etc.)	<b>Maximum amount of this gear type that will be deployed on the site</b> (i.e. 200 cages, 100 lantern nets, etc.)	<b>Species that will be grown using this gear type</b>
Floating Cages w/soft mesh bags	40.5"x36"x24"	Year round	900	C. Virginica O. Edulis

### D) Gear Drawing (please label this "Gear Drawing"). See page Number 22

**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.).

### 13. MARKING

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? In part, this requires marker buoys which clearly display the lease ID and the words SEA FARM to be located at each corner of the lease.

☒ 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, according to NOAA charts**), 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
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. Refer to the riparian determination guidance document to ensure all riparian landowners are included:  
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>
3. If any portion of the site is intertidal you need to complete the steps outlined in "17. Landowner/Municipal Permission Requirements".

**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?**

Via boat.

## 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: \_\_\_\_\_

MAP #	LOT #	Landowner name(s) and address(es)

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

### **CERTIFICATION**

I, \_\_\_\_\_, Town Clerk for the Town of \_\_\_\_\_ 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:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## 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) PETER SMITH 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.

Peter Smith  
Applicant Signature

10-27-2021

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

\_\_\_\_\_  
Date



## 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: PETER A. SMITH

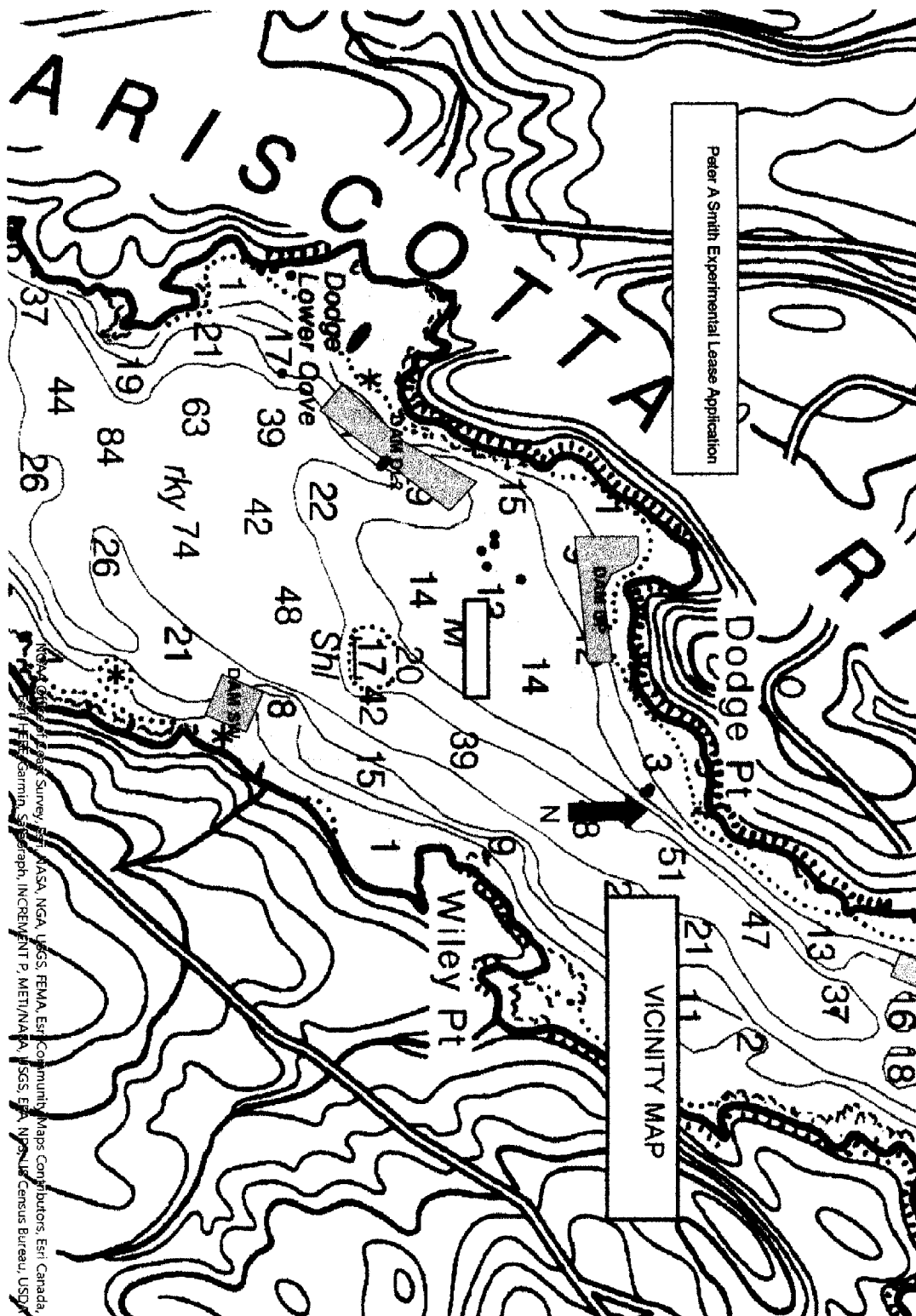
Title (if corporate applicant): \_\_\_\_\_

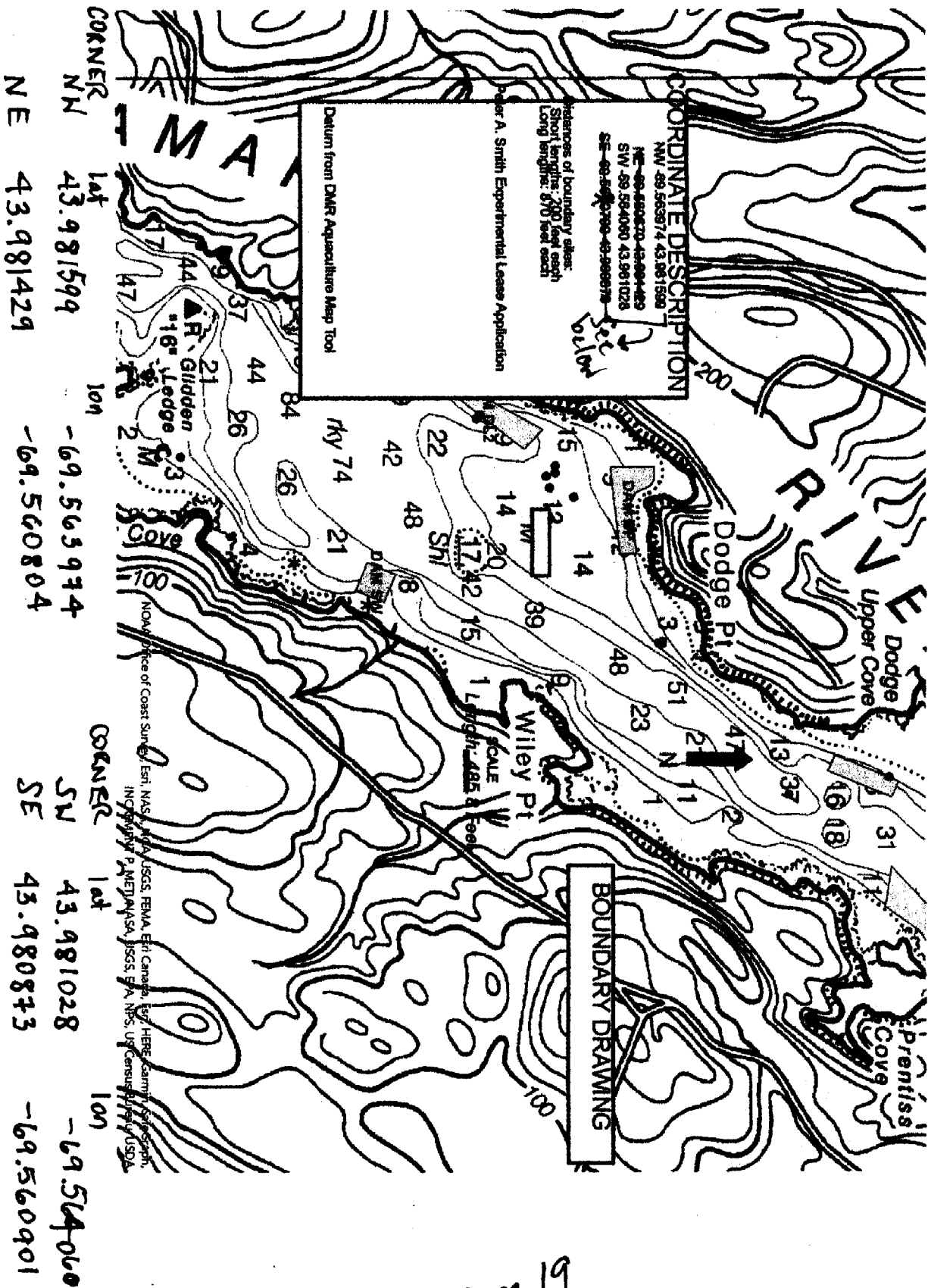
Signature: Peter Smith Date: 10-27-2021

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.





# OVERHEAD VIEW

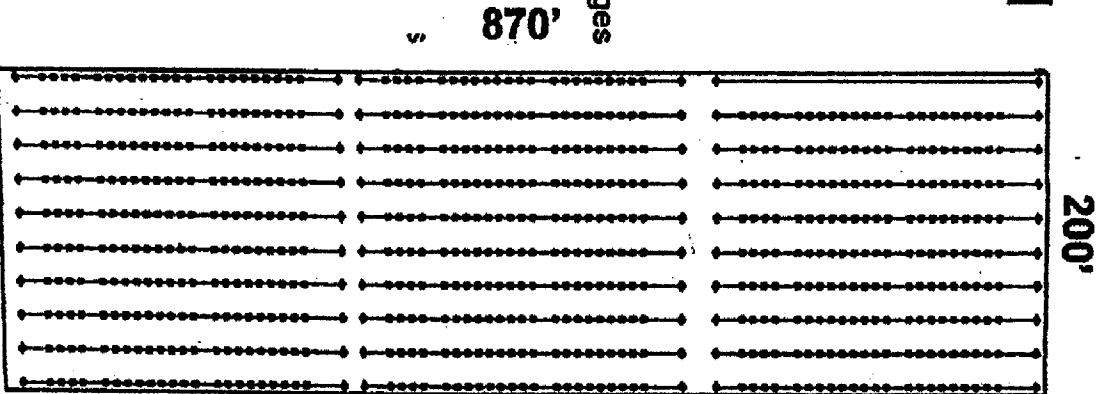
3.96 Acres

| N

30 (4 pack) Oystergro cages per line

4 pack growout cages  
3 sets of 10 rows of lines spaced 20' apart  
Each line would contain a maximum of 30 cages  
spaced 7' apart. (900 cages max. total)

The outside anchors have 30' scope  
From anchor to the 1<sup>st</sup> cage. The  
Middle sets of anchors are utilized by  
Both lines and have 20'-25' of scope  
Between cage and anchor.

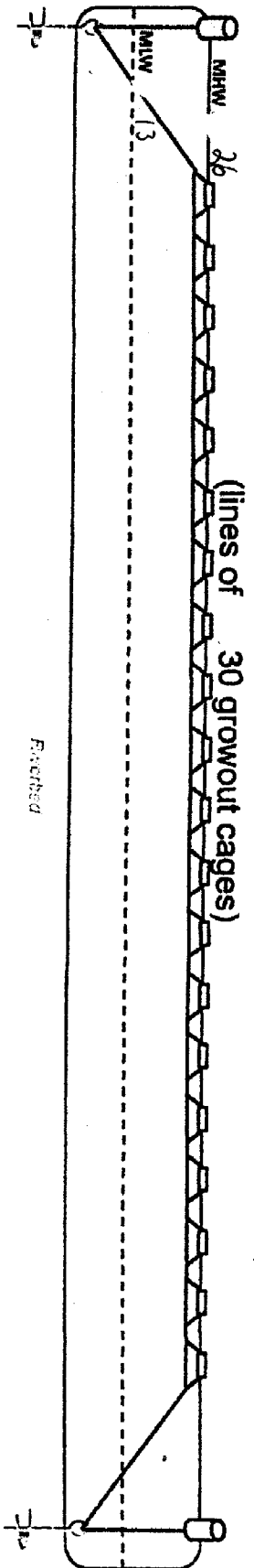


◇ Helix anchor  
— 5/8" poly line  
.....  
Oystergro Cages

*Peter Smith*  
*Exp. Lease App*

# CROSS-SECTION VIEW: IN-SEASON

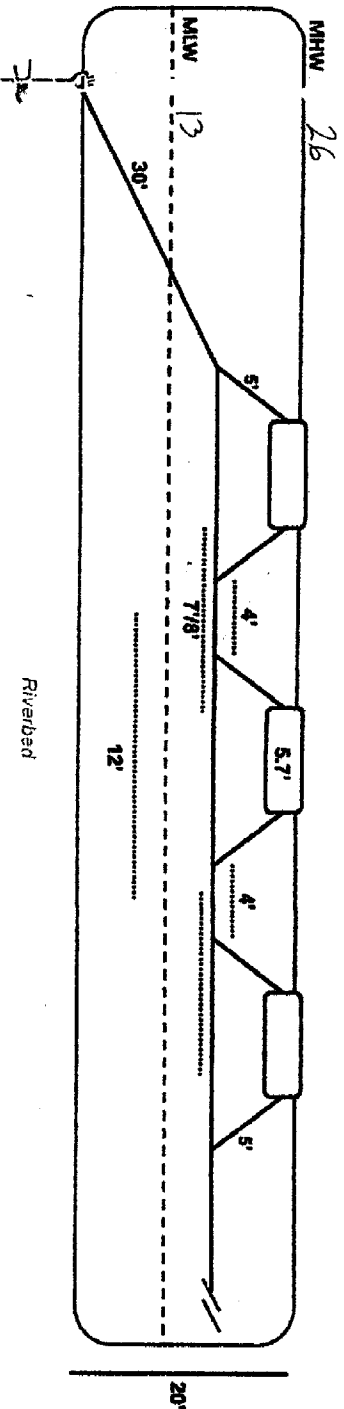
(lines of 30 growout cages)



Riverbed

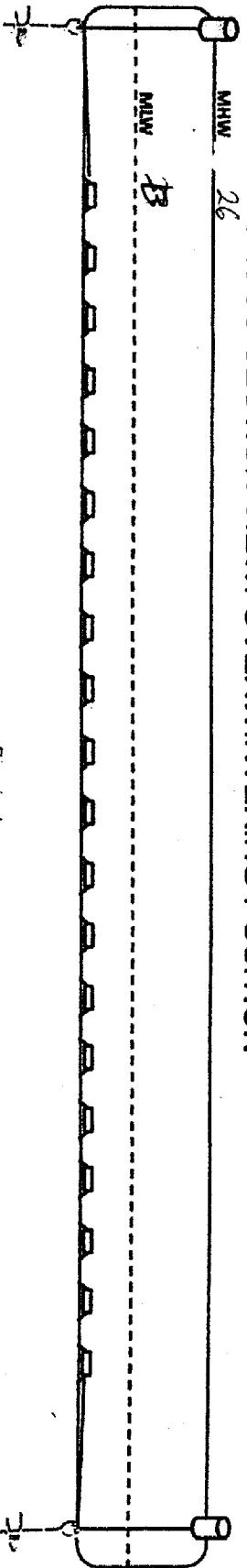
## TO SCALE CROSS-SECTION VIEW: IN-SEASON

- 5/8" poly sink line
- 10" screw, 3/4" shaft
- Growout cages



Riverbed

## CROSS-SECTION VIEW: OVERWINTERING POSITION



Riverbed

Views do not represent actual number of cages  
(actual number is 30 growout cages per line)

Peter Smith Esq. Dec 1/8

**OYSTERGRO 4-PACK**