Original Application Received 06.24.20 1st Revised Application Received 02.05.21 2nd Revised Application Received 03.15.21 3rd Revised Application Received 03.19.21 4th Revised Application Received 04.2.21 5th Revised Application Received 04.16.21 Deemed Complete 04.23.21

## **EXPERIMENTAL LEASE APPLICATION**

## 1. APPLICANT CONTACT INFORMATION

Applicant	Ezra Johnson, Daniel Johnson, Lincoln Johnson, and Caleb MacDonald			
Contact Person	Ezra Johnson			
Address	122 Harbor Road			
City	Swan's Island			
State, Zip	Maine 04685			
County	Hancock			
Telephone	207-812-8474			
Email	Ezradjohnson13@gmail.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	Swans Island			
Waterbody	Burnt Coat Harbor			
General Description (e.g. south of B Island)	North East Part of the harbor, down the hill from the Advent Church			
	Lease Information			
Total acreage (4-acre maximum) and lease term (3-year maximum) requested	1.6 acres/3 years			
Type of culture (check all that apply)	<ul> <li>Bottom (no gear)</li> <li>Suspended (gear in the water and/or on the bottom)</li> <li>Net Pen (finfish)</li> </ul>			
Is any portion of the proposed lease site above mean low water?	Yes No Note: 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-sanitationmanagement/closures/pollution.html

Pollution Area (e.g. "19-A"):	Growing Area EE	- 1
Pollution Area Section (e.g. "B.2". or "none"):	1	
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: <u>DMRPublicHealthDiv@maine.gov</u>

## 4. GENERAL LEASE INFORMATION

A.	Please complet	e the	table	below	and	add	additional	rows as needed.	
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Name and address of the source of seed stock, juveniles, smolts, etc., to be cultivated:
Muscongus Bay Aquaculture, Inc. PO Box 204, Bremen, ME 04551: (207) 529-4100. Juveniles.

**B**. Do you intend to possess, transport, or sell whole or roe-on scallops?  $\Box$  Yes  $\boxtimes$  No

If you answered "yes" please contact the Bureau of Public Health to discuss you plans at the following email: <u>DMRPublicHealthDiv@maine.gov</u>

**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: <u>DMRPublicHealthDiv@maine.gov</u>

## 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

#### 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:

<u>Coordinate Description</u>

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 information for <u>each</u> 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.

Can oyster farming be a sustainable business for the future.

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

They will be in floating mesh bags.

**D.** What months will the proposed activities (i.e. seeding, tending, and harvesting) occur? Tending will be January-December. Harvesting will be January-December based on the market. Seeding will take place in June-August.

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

average 4 hours, ranging up to 8 hours, 2-3 times a week

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

2-3 times a week

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

Harvesting will be taking floating bags out of the water and sorting them to find if they are ready to harvest. Sorting would take place either by hand at the lease site, or larger volumes would be sorted in a sorting machine a lobster wharf

**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 will sink the oysters on the bottom of the ocean in cages. Harvesting in the winter would involve hauling up cages.

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 anywhere from a 14-40 foot boat to tend the bags. Outboards on the 14-20 foot skiffs would be 4 strokes ranging from 25-90 horsepower. We would also use lobster boats up to 40 feet with 225-600 hp engines. No machinery would be used at the lease site.

**J.** What is the maximum number (or biomass) of organisms you anticipate being on the site? 2,000,000 oysters at max.

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.

None, no issues with birds so far. May use a plastic owl in the future if there are bird problems.

## 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

Commercial lobster fishing over 200 feet away. There are around a dozen buoys around 200 feet away, but there have never been buoys in the proposal area. No other commercial fishing.

2. Recreational Fishing

Mackerel fishing over 200 feet away, a few times a year.

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

Sailing over 200 ft away, around 2 boats a week in the summer but they don't go through the proposal. About 2 miles from heavy boat traffic.

4. Riparian Ingress/Egress

Dinghy on outhaul and sailboat are used about 2 times a week, rubber raft at nearby dock is used to access the steel boat about 4 times a week, steel boat is used about 1 time a year. The proposal is not in the route of access from any of the docks to the moorings, or from moorings out of the cove

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

Rarely (~1x/year or less) kayaking over 200 feet away

**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.

sailboat outhaul/old stone dock ~150 feet away with a small dinghy, sailboat mooring ~200 feet away, deeper mooring ~300-400 away with 100 ft. steel boat, dock ~300 feet away with a rubber raft

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.

Mill Pond Park ~1,000 ft away

## 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.

4 LPAs

Ezra Johnson holds LPA EJOH118, Lincoln Johnson holds LPA LJOH118, Daniel Johnson holds DJOH118, and Caleb MacDonald holds LPA CMAC118

**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.

All 4 of the LPAs will be relinquished if this lease is granted.

## **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.

I would like for only oyster farming by the names of the people on the lease to be done inside the lease.

## **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?

5 ft

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

12 ft

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

N-S 0.5Knts

**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.)?

Mud

2. Describe the bottom topography (flat, steep rough, etc.).

Flat

**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?

None just mud flats

4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.

None

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.

None

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

Rocky shoreline and forested upland

**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: <u>https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html</u>

*If a project is located within an Essential Habitat*, applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator (<u>John.Perry@maine.gov</u>, 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 (<u>Gregg.wood@maine.gov</u>, 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 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"):

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

Specific Gear Type (e.g. soft mesh bag)	<b>Dimensions</b> (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
Soft Mesh Bag	3ft x 1.5 ft x	Spring, summer, fall, winter	2000 bags	Crassostrea virginica
Wire cages	4 ft x 4 ft x 4 ft	Winter	200 cages	Crassostrea virginica

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

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.).

## 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 <u>labeled</u> 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 <u>Riparian Landowner List</u> (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.

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?

We will access the lease by 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.

19 a

#### TOWN OF: Swan's Island ME 04685

MAP #5 LOT #74 Landowner name(s) and address(es) Katherine Consenze 13 Deer Run Lane, Swan's Island ME 04685. P.O Box 307, Milford ME 04461

#### **MAP #5**

#### LOT #75

Landowner name(s) and address(es) Selene Meeks (Isolina T. Meeks Declare Trust) 14 Deer Run Lane, Swan's Island ME 04685 P.O Box 74, Swan's Island ME 04685

**MAP #7** 

LOT #2 Landowner name(s) and address(es) Bryan Roots 145 Minturn Road, Swan's Island ME 04685 1 Michael Terrace, Natick MA 01760

MAP #7 LOT #3,4 Landowner name(s) and address(es) John Crowley 157 Minturn Road, Swan's Island ME 04685 161 Minturn Road, Swan's Island ME 04685 P.O Box 424, Swan's Island ME 04685 MAP #7 LOT #6 Landowner name(s) and address(es) Timothy Adams 171 Minturn Road, Swan's Island ME 04685 137 West Harvey Street, Philadelphia PA 19144 IV.L

MAP #7 LOT #8 Landowner name(s) and address(es) Aaron Conte 187 Minturn Road, Swan's Island ME 04685 P.O Box 413, Swan's Island ME 04685

#### MAP #7

Lot#1 Pat Kazi 139 Minturn Rd 2813 Rocks Rd, Jarrettsville MD 21084

#### Map #7

Lot#9 Albert Neilson Minturn Rd 10 Chickadee Dr, Topsham ME 04086

Map #7 Lot #10 Gary Farley 209 Minturn Rd P.O Box 305, Swan's Island ME 04685

Map#5 Lot#72 William Zucca 8 White Rd 94 Park Rowe, Rochester, VT 05767 17

Map#5 Lot#76 Katherine Castano 6 Deer Run Lane 145 South Salem Rd, Ridgefield, CT 06877

#### Map#5

Lot#77 Thomas Ploch 18 Wrong Rd 42 Gravel Hill Rd, Kinnelon, NJ 07405

## Map #5

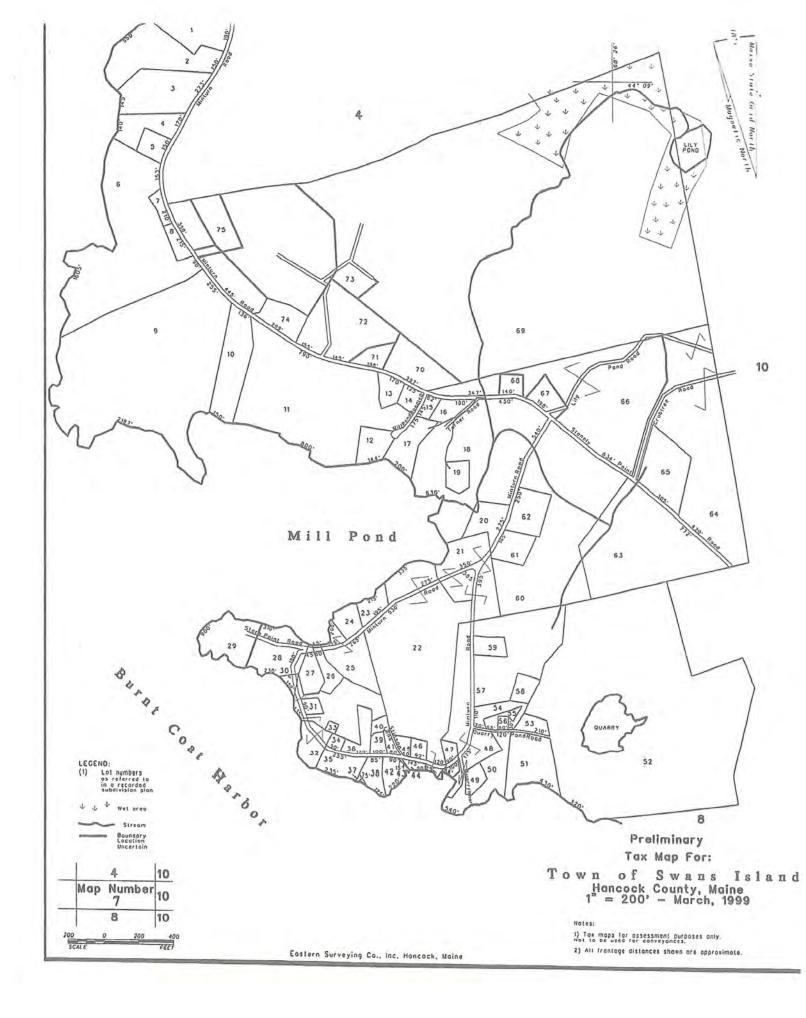
Lot #78 Jeff Lemoine 190 Harbor Rd 190 Harbor Rd, Swan's Island ME 04685

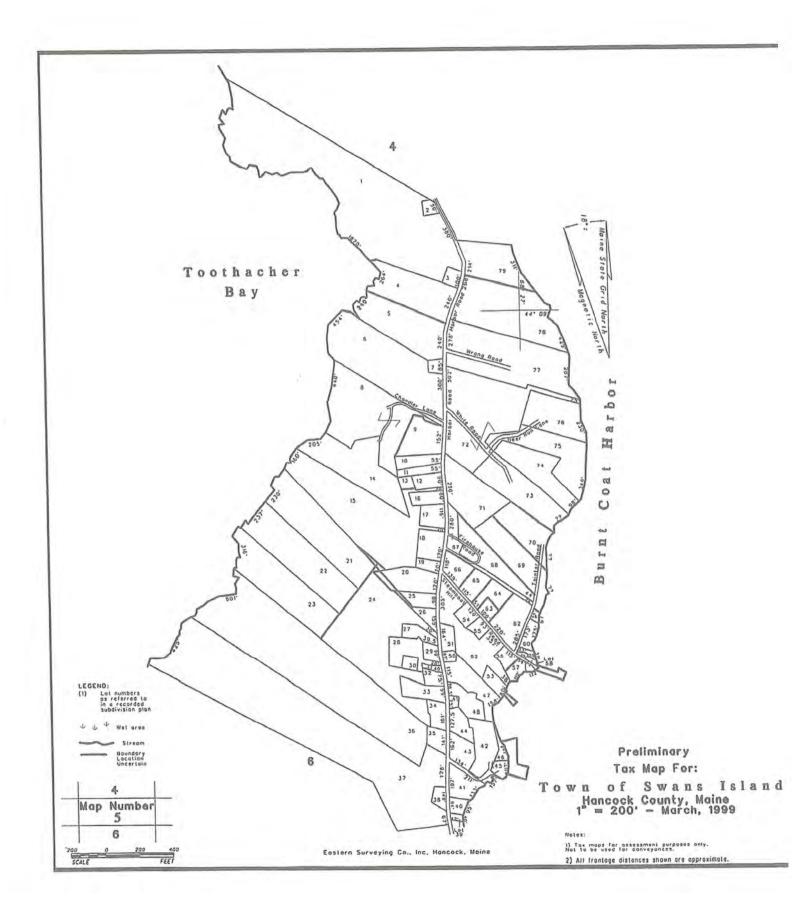
Map #7 Lot # 11 Town of Swan's Island 235 Mintum Rd P.O Box 11 Swan;s Island ME 04685 Please use additional sheets if necessary and attach hereto.

#### CERTIFICATION

I, <u>Gave</u> Town Clerk for the Town of <u>Searching Latendertify</u> that the operty 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: \_\_\_\_\_\_ SIGNED: \_\_\_\_\_ DATE: 3.19-242)





## **15. ESCROW ACCOUNT OR PERFORMANCE BOND**

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
	No gear/structure, no discharge	None
	No gear/structure, discharge	\$500.00
	$\leq$ 400 square feet of gear/structure, no discharge	\$1,500.00
$\boxtimes$	>400 square feet of gear/structure, no discharge	\$5,000.00*
	Gear/Structure, discharge	\$25,000.00

Check the category that describes your operation:

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

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

4/14/21 Date

Applicant Signature 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)  $\boxed{E_{Zra} P. J_{hasoh}}$  have read DMR Aquaculture Regulations 2.64(10)(D) and if this proposed lease is granted by DMR I will either open an <u>escrow account</u> or obtain a <u>performance bond</u>, depending on the category of lease.

14/2/ Date

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

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

Lucoh B Johnson

4/14/21 Date

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

I, (*printed name of applicant*) (and b) (*printed name of applicant*) (and b) (*printed name of applicant*) (*and b*) (*printed name of applicant*) (*print* 

Date

Applicant Signature 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.

10hn Sus Printed name: \_\_\_\_\_ Title (if corporate applicant): Date: Signature: I hereby state that the information included in this application is true and correct. I have also read and understand the requirements of the Department's rules governing aquaculture and the application instructions pertaining to the experimental lease process. Printed name: Ezra D Johnson Title (if corporate applicant): Date: 4/14/21 Signature:

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.

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: Lincoln Johnson Title (*if corporate applicant*): Signature: Licol B Johnson Date: 4/14/21

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: Cale Man Onlaw

Title (if corporate applicant):

Signature: Colomb

Date: 4/is/21

# N/A 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.

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

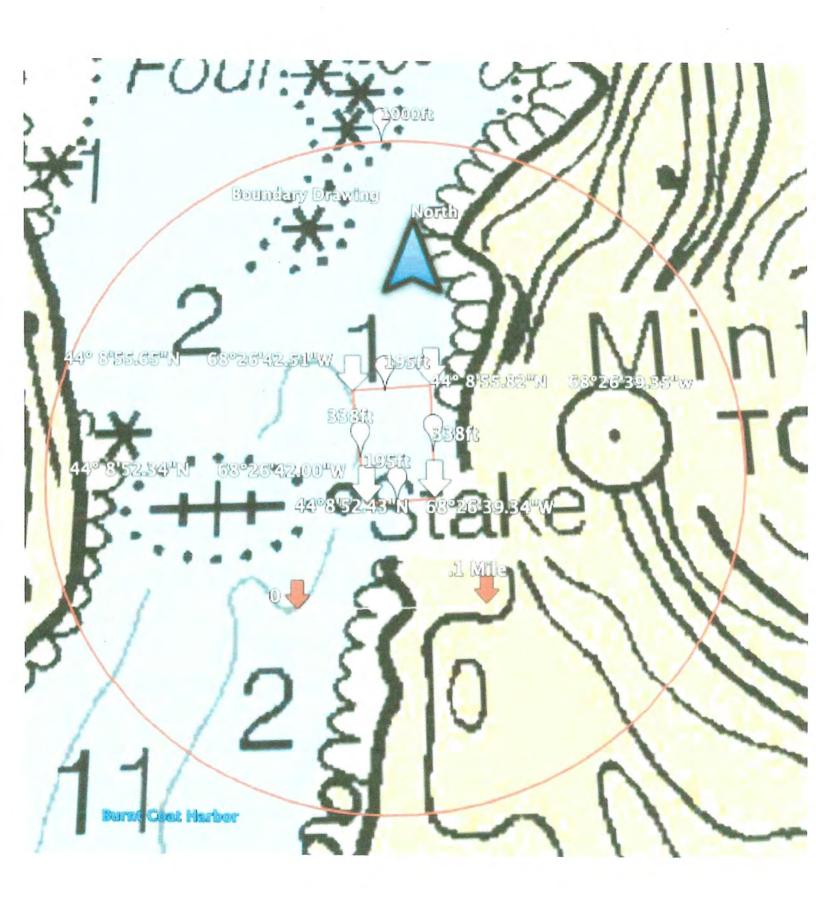
Pursuant to 12 MRSA §6072(3) In any municipality with a shellfish conservation program under section 6671, the Commissioner may not lease areas in the intertidal zone within the municipality without the consent of the municipal officers.

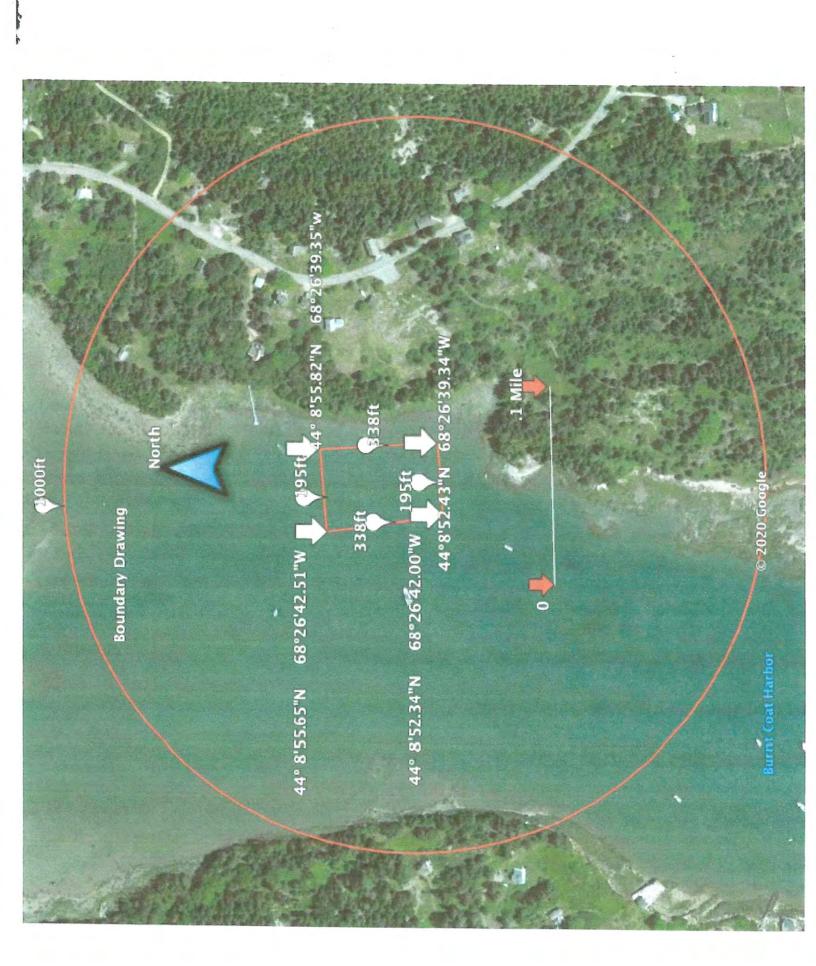
If the municipality where the proposed lease site is located has a shellfish conservation program, it is your responsibility to obtain consent for the proposed lease site from the municipal officers (i.e. the selectmen or councilors of the town, or the mayor and aldermen or councilors of a city.) Consent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

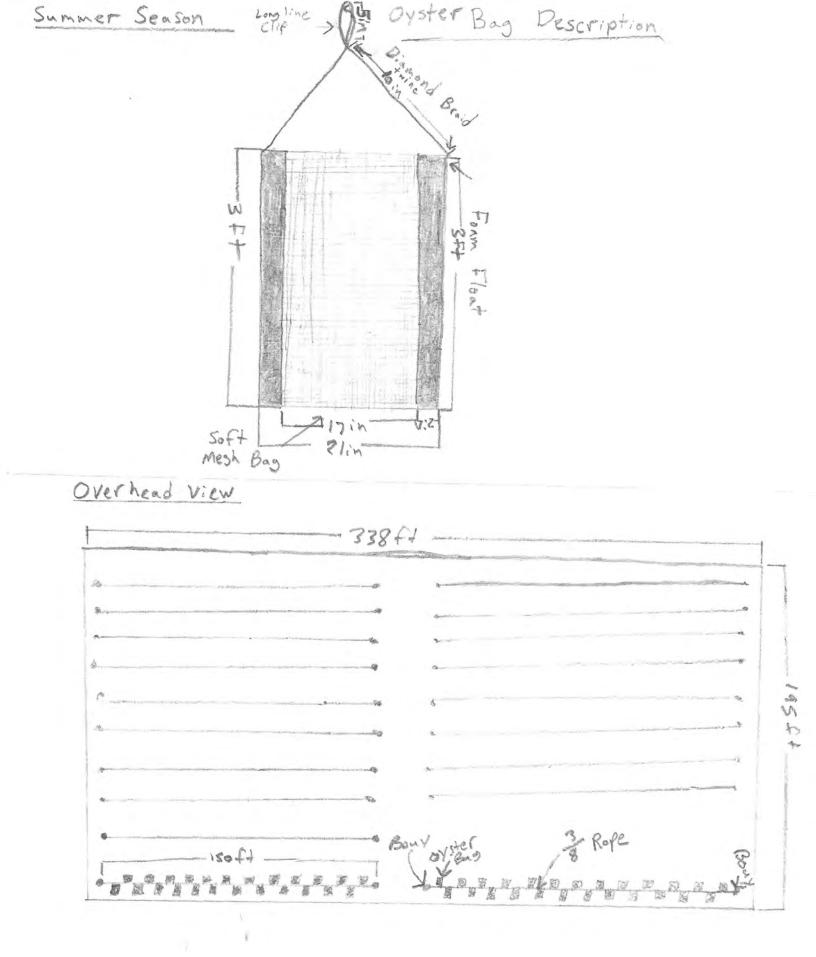
It is your responsibility to contact the municipality and determine if they have a shellfish conservation program. Best practices would include discussing your plans with shellfish committee members, but <u>only the consent of municipal officers is required</u>.

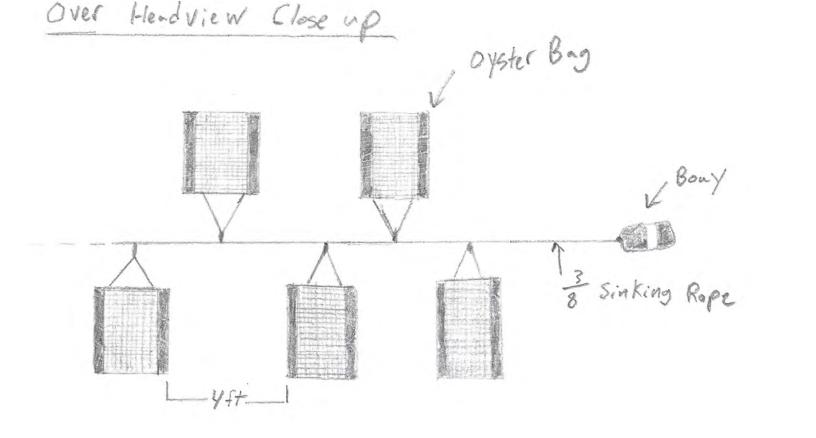
1. Does the municipality, where the proposed site is located, have a shellfish conservation program?  $\Box$  Yes  $\Box$  No

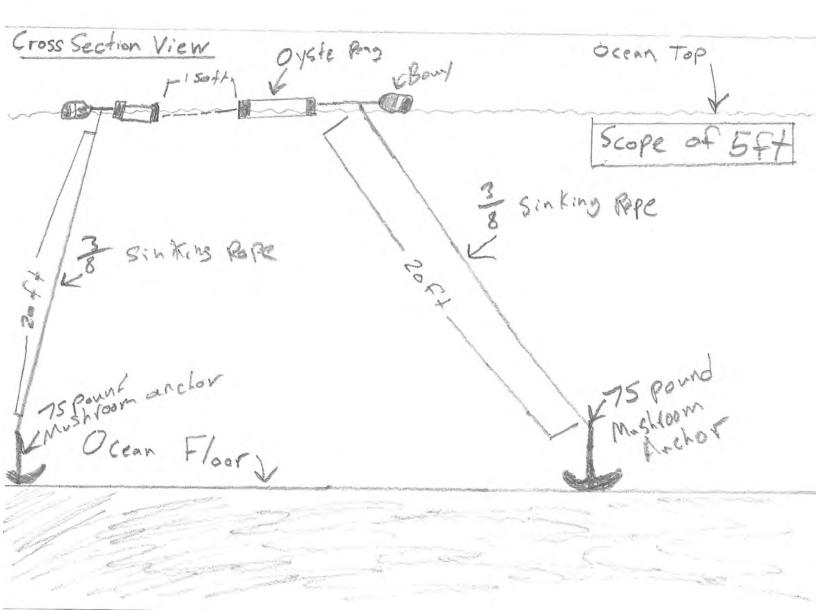
If you answered yes, please attach documentation from a public meeting demonstrating that a majority of municipal officers have consented to your proposal.

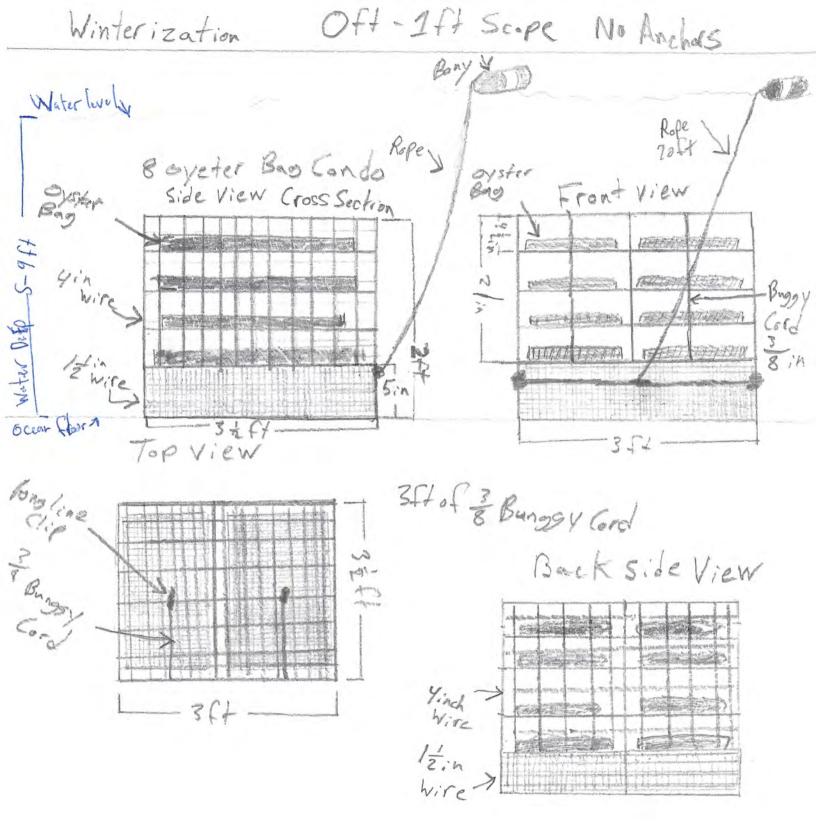












Waterization over hend View

Each Oyster Condo will be 45ft away

