Draft Application Received 03.04.20
1st Revised Application Received 03.18.20
Deemed Ready for Scoping 03.19.20
Final Application Received 12.01.20
1st Revised Final Application received 12.21.20
Deemed Complete 01.07.2021

STANDARD LEASE APPLICATION: NON-DISCHARGE

1. APPLICANT CONTACT INFORMATION

Applicant	NICE Oyster Company, LLC		
Contact Person	Dana L. Morse		
Address	685 Lewis Hill Road		
City	Bowdoin		
State, Zip	ME 04287		
County	Sagadahoc		
Telephone	207.841.4899		
Email	niceoysterco@gmail.com		
Type of Application	☐ Draft Application [submitted before scoping session session]	X **Final Application** [submitted after scoping session]	
Dates	Pre-Application Meeting: Nov 21, 2019	Draft Application Submitted: March 17, 2020	Scoping Session: October 19, 2020

Note: If applicant is a corporation or a partnership, the "Corporate Applicant Information Document" available at: http://www.maine.gov/dmr/aquaculture/forms/standard.html must also be completed.

2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	Brunswick
Waterbody	New Meadows River
General Description (e.g. south of B Island)	East of Woodward Point
Lease Information	
Total acreage requested (100-acre maximum)	4.49 ac
Lease term requested (20-year maximum)	10 Years
Type of culture (check all that apply)	☐ X **Bottom (no gear)** ☐ X **Suspended (gear in the water and/or on the bottom)**

Is any portion of the proposed lease site above mean low water?	☐ Yes ☐ **X – No**

Note: If you selected yes, you need to complete the steps outlined in the section titled: "19. 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"):	19-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 your plans at the following email: DMRPublicHealthDiv@maine.gov

4. SPECIES 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, and/or smolts**	**Maximum number (or biomass) of organisms you anticipate on the site at any given time**
1. Eastern oyster, *Crassostrea virginica*	Muscongus Bay Aquaculture, 24 Seal Ledge Lane, Bremen, ME 04551 and/or Mook Sea Farm, Route 129, Walpole, ME 04573	500,000
2. European oyster, *Ostrea edulis*	Muscongus Bay Aquaculture, 24 Seal Ledge Lane, Bremen, ME and/or Downeast Institute, 39 Wildflower Lane, Beals, ME 04611	20,000
3. Sea scallop, *Placopecten magellanicus*	Nate Perry, Pine Point Oyster Co, 10 Pine Ridge Rd, Cape Elizabeth, ME 04107	20,000
4. Surf clam, *Spisula solidissima*	Downeast Institute, 39 Wildflower Lane, Beals, ME	25,000
5.Hard clam, *Mercenaria mercenaria*	Muscongus Bay Aquaculture, 24 Seal Ledge Lane, Bremen, ME and/or Downeast Institute, 39 Wildflower Lane, Beals, ME 04611	100,000

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

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

5. VICINITY MAP

Please refer to **Figure 1** - "Vicinity Map."

6. BOUNDARY DRAWING

Please refer to **Figure 2** - "Boundary Drawing." Note that coordinates for all boundary points are given below, rather than in Figure 2 itself.

NW Corner (existing on NMR WPx):	43°52'16.27"N	69°53'54.82"W
NE Corner: (existing on NMR WPx)	43°52'15.52"N	69°53'51.54"W
West boundary midpoint*	43°52'12.52"N	69°53'57.74"W
East boundary midpoint**	43°52'11.43"N	69°53'54.10"W
SW Corner (proposed):	43°52'9.62"N	69°53'58.27"W
SE Corner (proposed):	43°52'8.91"N	69°53'54.68"W

* this point is the SW corner of the existing lease NMR WPx

** this point is the SE corner of the existing lease NMR WPx

Coordinates taken from Google Earth, version 7.1.8.3036

7. SITE DEVELOPMENT

A. Gear Information

1. Gear Drawings:

Please Refer to the following figures, provided with this application:
Figure 3. Floating Shellfish Bag and Seed Box
Figure 4. Bottom Cage
Figure 5. Lantern-Style Net
Figure 6. Typical Bottom Tray
Figure 7. Longline, Materials and Deployment
Figure 8. Longline, Materials Detail
Figure 9. Floating Raft, Work Platform

2. Gear Table:

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**
Floating oyster bag	30"L x 22"W x 4"H	March or April, to early December	1200	C. virginica, O. edulis, S. solidissima, M. mercenaria
Bottom cage	40" H x 48" L x 32" W	Year-round	170	C. virginica, O. edulis, S. solidissima, P. magellanicus
Lantern-style net	30"L x 24" W x 10" H	March/April to early December	30	C. virginica, O. edulis, S. solidissima, P. magellanicus
Bottom tray	36"W x 36" L x 4" H	Year-round	100	C. virginica, O. edulis, S. solidissima, P. magellanicus, M. mercenaria
Seed boxes (wood inserts to oyster bags)	24"L x 3" H x 18" W	June and July	30	C. virginica, O. edulis, S. solidissima, M. mercenaria

B. Maximum Structure and Mooring System Schematic

Directions: Include drawings of your maximum gear layout. Include units referenced (i.e. 10in, 10ft, etc.).

1. Overhead View.

Please refer to **Figure 10**.

2. Cross-Section View.

Please refer to **Figure 11**.

C. On-Site Support Structures

1. Describe structures such as barges, sheds, etc., to be located on-site. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc.
One on-site structure is a possibility: a float that would lie inside the lease area, to serve as a work platform and storage area for oysters. Dimensions of this float would be approximately 10 ft by 12 ft, and would stand approximately 16 inches above the water surface. The float would be of untreated wood, with flotation provided by black, foam-filled floats commonly used in recreational docks. The raft would be moored on the southern end or western middle of the lease, and would be held in place by a 75lb mushroom anchor at either end. Please see **Figure 9.**

2. Describe the storage and use of oil, gasoline or other hazardous materials on this facility. If petroleum products are to be stored on site, provide a spill prevention plan.
We do not plan to store oil, gasoline or other hazardous materials on this site.

D. Gear Color

Provide the color of the gear and structures proposed to be used at the lease site.
All bottom cages will be black or dark green in color, as the equipment will be made of black UV-stable plastic or PVC-coated wire mesh. Nearly all surface equipment will be black in color, since it's UV-stabilized plastic. We do anticipate natural wood color for spreader bars on longines, and we do use some foam flotation in the spreader bars, which is blue in color. Surface buoys will typically be white or orange, though these can be changed if there is a preference; we want to minimize the visual footprint but need to maintain enough visibility for those boating in the area. The proposed float would be a natural wood color.

E. Equipment Layout

Please see Figures 12 and 13. The lines are intended to show approximately where on the lease that the floating gear and submerged lines would lie.

F. Marking

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? ☐ X 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: 1st Coast Guard District, Aids to Navigation Office ((617)-223-3293).

8. PRODUCTION ACTIVITIES

Directions: If you are cultivating more than one species, you will need to provide information for each species. Please attach additional pages if needed.

A. Please explain your proposed seeding activities. What months will seeding occur and how often will you be onsite to seed during this time.

The startup of a given year will occur between March and April. Seed for all the species we request are available in the spring of the year, typically May through July. Our anticipated delivery months for each species are as follows:

Oysters – both species: mid June to early July
Scallops – May and June
Surf clams – June
Hard clams - June/July

Seeding is usually relatively fast: we prepare so as to make sure that the seed goes into the water just as soon as we receive it. Therefore, seeding of each species is not anticipated to take more than 8 hours in each case.

We propose bottom seeding, with oysters concentrated on the western margins of the lease, and hard clams over the remainder. This will happen in the late fall or early spring, and will occupy no more than 4 days. The process will involve dropping oysters of approximately 2" shell height over the side of the boat, in the area to be seeded, or hard clams over approximately 10mm. No special machinery is involved; shellfish will be deployed manually, from standard fish boxes aboard the vessel. Scallops will always be in bottom cages: seeding/stocking will take place in May or June typically and should take no more than 4 hours for a crop, in any given season.

B. Please explain your proposed tending/maintenance activities.

Tending the gear generally consists of the following activities. Flipping the surface cages is done to control fouling; this is done manually from the boat; simply flipping the shellfish bag over. Bottom cages are sometimes replaced; fouled cages brought to shore and clean ones deployed. We will periodically need to thin the oysters in their growing containers; this entails bringing the container (mesh bag, bottom cage, etc) into the boat and removing the oysters; then re-stocking them at a lower volume. When we thin oysters, we also grade them; separating them by size. At present, this is done manually, though we may use a vessel-mounted sorter in the future. If we do so, then such a sorter would be battery-driven, not via a combustion engine. Harvesting is also done aboard the vessel; emptying the growing container onto a table, and choosing the oysters that will go to market. The market-size oysters are then held temporarily in a bottom cage or in a lantern-style net, prior to sale. Just before sale, we remove the oysters from their temporary storage and clean them of mud and biofouling. We do this with a battery-powered washdown pump, and we have used such a system for the past two years. Harvesting bottom-planted oysters and clams will be through diving (snorkeling and/or SCUBA), bullraking or tongs. We do not expect to use a drag for harvesting. For hard clams, seed clams will be placed into small mesh inserts, inside the shellfish bags until they are large enough to be bottom planted, or raised in bottom cages that sink partway into the sediment. For scallops, maintenance will consist of raising the bottom cages, and either scrubbing, washing or swapping clean cages for fouled ones. We expect maintenance on scallops 3x/year.

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

Normally, we will be on the farm two to three times per week, depending on the season. Some of this work will happen on weekdays, but much of it on weekends. Cages should be flipped once per week or every two weeks, during the summer and fall, but this is reduced in spring and late fall, when fouling rates are low. Harvesting is once or twice per week, and grading/thinning/restocking occurs twice per year, roughly. Each visit to the farm is expected to last between 2 and 6 hours.

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

As in item B above: Harvesting is also done aboard the vessel; emptying the growing container onto a table, and choosing the oysters that will go to market. The market-size oysters are then held temporarily in a bottom cage or in a lantern-style net, prior to sale. Just before sale, we remove the oysters from their temporary storage and clean them of mud and biofouling. We do this with a battery-powered washdown pump, and we have used such a system for the past two years. Harvesting bottom-planted oysters and clams will be through diving (snorkeling and/or SCUBA), bullraking or tongs. We do not expect to use a drag for harvesting oysters or clams. Harvesting scallops is simply a matter of raising the bottom cages and emptying the shellfish bags aboard the work platform or the vessel.

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

Harvesting is done once or twice per week, with each harvest period lasting 2-5 hours, typically.

F. Will gear be on the site year-round? ☐ **X Yes** ☐ No

G. If gear will not be on the site year-round, please 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 removed from the site.

During winter (meaning December into March), all surface gear and buoys are removed, with the exception of one or two 'winter stick' buoys to mark our lines, and to aid in retrieving groundlines in the spring. The crops will either be transferred to cages resting on the bottom (referred to as bottom cages, or overwintering cages, and submerged at all times) or in the case of any bottom-seeded oysters, will have no structure associated with them. Gear that is moved on and off the site for overwintering and for regular growout is stored at the applicant's home (meaning either/both of Dana Morse and John Swenson, partners in NICE Oyster Co., LLC).

In the spring, early trips to the site are expected to consist of first assessing how the equipment fared over winter, the placement of corner markers, and the deployment or maintenance of anchors and longlines. Once those pieces of equipment are set in place, then the overwintering cages are lifted, and the oysters in the bottom cages are replaced into the floating bags

9. NOISE AND LIGHT

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

A. What type of boats will be used on the site? When and how often will these vessels be on the site?

At present, the company has two vessels; a 19' Carolina Skiff and a 24' Carolina Skiff. Although we have no intentions of purchasing a different vessel at this point, if we did, it would likely be of a similar design and use. The vessels are on site consistent with the activities listed above; they are moored off-site and not left on the proposed site during times that personnel are not present.

B. What type of powered equipment (e.g. generator, power washer, grading equipment, barges, etc.) will be used on the site? When and how often will the equipment be used?

The extent of our powered equipment to date is a washdown pump, used for cleaning oysters, and a winch for raising cages. An example of the pump is a Jabsco 'Hot Shot' washdown pump; which is a 12-volt unit, operated off a battery aboard the vessel. Typically, we might use such a pump for an hour or two, when washing oysters. During the time of use, the pump is used intermittently; not constantly over that time. The unit has a control so that it is not pumping when water is not being called for; this saves both battery power and cuts down on noise. The winches we have used are both 12-volt, so no combustion engines are needed: one type is an electric pot hauler, and one is a capstan winch. Both are used quite sparsely during a given visit, and are fairly quiet in and of themselves. Eventually we may try a tube-style grader; this will be driven by 12-v battery power, so there will be no noise from a combustion engine. If we do employ a grader, it will be used once or twice per year most likely, for short stretches of time. When not in use, it will be stored off-site.

C. Specify how you intend to reduce noise levels from the boats and other powered equipment.

We try to keep noise to a minimum by shutting the outboard engine off when not needed – which turns out to be much of the time – and we also utilize quiet equipment for washing oysters. Any winches used are used for only a small amount of the total time on site; it does not take long to raise a cage, and subsequent activities such as grading and harvesting are done by hand. One vessel is powered by a 45-hp Honda engine, which is a 4-stroke and well known for its quiet operation. The other vessel is powered by a 2-stroke Evinrude. Eventually, this engine will be replaced, and it will be replaced by a 4-stroke model. As noted above however, we are frequently working without the need for an outboard to run; this saves fuel, and cuts down on noise, which is better both for us as workers and others in the immediate area.

D. Provide the number, type (whether fixtures are shielded), wattage and location of lights, other than those used for navigation or marking, that will be used at the proposed lease site.

We do not anticipate the need to use lighting of any kind.

E. Indicate under what circumstances you might work at your site beyond daylight hours.

Except in extreme circumstances, presence on site past daylight hours is not expected. In our operations on the site since 2014, we have not yet needed to be present after dark or before dawn.

10. 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.

Our existing aquaculture operations consist of:

- Two floating longlines, each supporting two rows of floating shellfish bags. Each longline can support approximately 150 bags. These shellfish bags are typical of industry use: a black polyethylene mesh bag, with black plastic floats on either side, and a bridle at either end, to connect to the longline ropes. The longlines themselves consist of three parallel lines of 5/16" or 3/8" rope, with 'spreader bars' at either end. The spreader bars are 2x6 wood planks, with foam insulation between them for flotation. The function of the spreader bar is to keep the longlines stable and properly spaced. At each end of each longline is approximately 60' of ½" sink rope, connected to a short length of ½" chain, and a 75 lb mushroom anchor.

In wintertime, we have two or three submerged groundlines, so that we can tie several bottom cages together along its length. These groundlines are marked by a single surface buoy during winter (a so-called 'winter stick'). The groundlines are approximately 160 feet in length, and are kept in place by the weight of the bottom cages themselves, though we do use a small anchor at either end, such as a small rock, about 40-50 lbs.

B. What are your plans for any existing leases and/or Limited Purpose Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or LPA licenses be relinquished if the lease is granted? If so, please indicate which ones.
If the lease is granted, our existing Experimental Lease (NMR WPx) will be incorporated into the footprint of the lease under consideration. NMR WPx is scheduled to terminate in 2020, and may not be renewed.

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?
On the shore side (western) side of the site, mean depths at low water are approximately 5 feet. On the eastern side of the site, depths are about 12-13 feet at low water.

B. What are the approximate depths at mean high water?
The tidal range is approximately 9 feet, so 14 feet on the western side and 21-22 feet on the eastern side.

C. Provide the approximate current speed and direction during the ebb and flow.
Ebb and flow run approximately North and South on this site, approximating the shape of the river in this section. Current speeds are approximately a half a knot, maximum.

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.)?

The bottom on the site is uniformly muddy and unvegetated. The soft mud surface extends down only 3-5 inches or so, and is underlain by a harder mud or clay; cages do not sink deeply.

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

Bottom topography is fairly flat, although the site does slope down, to the eastward, or toward the channel. The slope is gradual however, and we have never encountered particularly rough areas or spots that are unusually shallow or deep, as compared to the remainder.

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?

The proposed site has little vegetation; and we have observed no macroalgae such as *Ulva lactuca*, or *Ascophyllum* or *Fucus*. No eelgrass (*Zostera marina*) has been observed on the proposed site to date, and we'd expect that if any does exist there, it is in very limited quantity. As for the fauna of the area, we observe a few crabs (*Carcinus maenas* and/or *Cancer irroratus*, *Cancer borealis*), and have seen small finfish that we assume to be silversides (*Menidia menidia)* or perhaps mummichogs (*Fundulus heteroclitus*). We have seen two juvenile lumpfish (*Cyclopterus lumpus*) and the very occasional pipefish (*Sygnathus fuscus*) on the site. Although we have not seen striped bass (*Morone saxatilis*) directly, we expect them to be in the area, due to the recreational fishermen on the river. Rock gunnels (*Pholis gunnelus*) are seen frequently in our shellfish bags; less frequently we see longhorn or shorthorn sculpin (unclear) or *Myxocephalus, sp.*

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

The New Meadows River has shellfish distributed throughout, to greater or lesser degrees. North of our current lease is Getchell's Ledge, which sustains some clamming and shellfish dragging in winter. To our south, near Iron Island (Hamish and Andland) are some sandbars which support some European oysters. To our east is Middle Ground, the sandbar that bisects the upper part of the NMR. We assume these shellfish beds to be of minimal economic importance; in our six seasons on our current site, we have seen no commercial diggers on Middle Ground, the southern part of Getchell's Ledge, near Iron Island or on the shore of Woodward Point, immediately to the west of our site. The only commercial shellfishing appears to be two small wooden skiffs that use small drags for European oysters just below Getchell's Ledge, and that has been very sporadic. We assume that there is fish movement through the area, since the river supports a variety of fish species such as striped bass and Atlantic menhaden, although the river terminates in the New Meadows Lakes. The lakes are not important fish spawning areas, as far as we know, so fish 'migration' specifically does not seem to apply.

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.
To the best of our knowledge, the proposed site supports little or no submerged aquatic vegetation. We base this on being able to see bottom at low tides on the shallower portions of the existing lease (especially in early winter and early spring, when water clarity is at its maximum), as well as some snorkeling over the years, and some bottom video taken in 2014, prior to our acquisition of an LPA.
6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)
The upland shoreline is a mix of field and forested area. The shore itself is fairly rocky, with some ledge outcroppings. The immediate shoreline is also very lightly populated; it had been a cattle farm many years ago, and had been maintained for hay since that. The principal property is now owned by a partnership of Maine Coast Heritage Trust and Brunswick Land Trust.

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, phone: 207-287-5254) prior to application submission.

12. EXISTING USES

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
As we write in D4, above, there is next to no commercial shellfish harvesting in the immediate area – or recreational harvesting, so far as we can tell, over the last six seasons. There has been no lobster fishing in the immediate area over that time as well; the one lobster pot buoy that is near the lease has not been tended for at least three years, and the lobster gear concentrates to our east and south, where the channel lies. No scalloping, urchin fishing or other commercial activities have occurred there since 2014, when we established our first LPA.
2. Recreational Fishing

Fishing for striped bass does occur in the area, although most of it is concentrated at Getchell's Ledge to our north, and near the shore to our west. We have purposely left a good amount of room between our existing/proposed lease area and the shore, so that fishermen can continue to use that area without impediment. We have never had any negative interactions with recreational fishermen, or found evidence that fishing occurred in the lease site (such as a hook entangled in our lines).

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

There is some recreational boating activity in the area, nearly all by kayak and canoe. Most of the vessel traffic transits the area and occurs in the channel to our east. There are rowing sculls that come down through the area from Bowdoin College, but they have never been close to our site, staying well to the east of us. Distance to the center of the channel is approximately 500 feet, as judged by satellite imagery (Google Earth Pro).

4. Riparian Ingress/Egress

Riparian ingress and egress is over the one dock/float to the northwest of us, approximately 340 feet from our northwest corner. The residents there have a sailboat and a motorboat, and the prior residents have had rowing sculls. In all interactions thus far with both owners, we have only had good experiences, and no difficulties with their access; we have with some frequency talked on the water with them, as they travel around or through the farm.

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

As mentioned above, the river is used for rowing sculls, but not close to the proposed site. We have yet to see anyone swimming in the area, although occasionally people will stop on Middle Ground to walk around or have a picnic.

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 the proposed lease.

Yes, as mentioned above, the closest wharf is approximately 340 away, and that home has two moorings, also about 340 feet directly north of NMR WPx, our current site. To the immediate west of our current site is a disused piling that once supported a pier, or so we suppose. To the southwest - at about 510 feet southwest of our proposed SW corner - is a wharf; although we have not observed it being used.

C. Are there public beaches, parks, docking facilities or federally, state, or municipally conserved lands within 1,000 feet of the proposed lease site? If yes, please describe and include approximate distances from proposed lease.

The Maine Coast Heritage Trust, and Brunswick-Topsham Land Trust now own the Woodward Point Preserve, immediately to our west. The closest point of our proposed site is approximately 100 feet from the shore of this property.

13. 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.
The only use that we would request to exclude would be mobile-gear fishing, such as dragging for shellfish, or netting for fish such as menhaden. Recreational boating, recreational fishing and lobstering would be acceptable; there are no lobsters to speak of in that part of the river, based on the lack of lobstering activity in the immediate area over the past six years.

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

Please see the Attached Tax Map, enclosed with this application.

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.

Please see the attached Riparian Landowner List, enclosed with this application.

3. If any portion of the site is intertidal, you need to complete the steps outlined in the section titled: "19. Landowner/Municipal Permission Requirements".

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

☐ Yes ☐ **X No**

Note: If you selected yes, you will need to complete the landowner permission requirements included in "19. Landowner/Municipal Permission Requirements" of this application.

C. How will you access the proposed site?

We access the site now – and anticipate doing so in the future – through a combination of options. We have permission from a landowner on Foster's Point to use his float, wharf and parking, and have been doing so for the last several years. We frequently use boat launches at Sawyer Park or Prince's Point Road, when trailering a vessel, and we have rented a slip at the New Meadows Marina. Our access points vary over the course of the year.

D. How will your proposed activities affect riparian ingress and egress?

In general, we hope that our activities affect ingress and egress to a minimal degree; we have planned our siting partly for that purpose, and to date, we have had no adverse issues that we've been made aware of. Even before we applied for our LPA in 2014, we spoke with the landowners about our plans (even though we were not required to by law), so that we could site the farm as well as possible to be good neighbors.

15. TECHNICAL CAPABILITY

Provide information regarding professional expertise. Attaching resume or documentation of practical experience necessary to accomplish the proposed project would satisfy this requirement.
John Swenson and Dana Morse have operated the NICE Oyster Co for 7 seasons, beginning in 2014. Swenson has been involved in oyster production since 2008, when he first joined the Oyster Garden Program, organized by Morse, and was active with that group until 2015. Morse has over 25 years in shellfish aquaculture, as an educator, researcher, producer, farm worker and equipment sales.

16. FINANCIAL CAPABILITY

A. Financial Capability

Please provide documentation to show you have the financial resources to implement the proposal. For example, you may submit a letter from a financial institution or funding agency indicating that you have an account in good standing, or their willingness to commit funds. **Note:** Any financial information you submit with your application is part of the public record. Please exercise discretion when submitting financial information.
Please see our attached letter from the University Credit Union; NICE Oyster Company LLC is a business account in good standing with UCU. Also attached is the cover page from the initial filing of our business, NICE Oyster Company, LLC.

B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.
Based on costs of operation from our current lease (NMR WPx) and our LPA's before that, we expect annual expenses for seed, new and replacement equipment, insurance, fuel, etc. to be $5,000-$10,000 annually. The partners for the company retain any earnings from the company only after expenses are paid, and less finances that are held over for anticipated expenses.

17. ESCROW ACCOUNT OR PERFORMANCE BOND

Check the category that describes your operation:

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

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

I, (*printed name of applicant*) _____ have read DMR Aquaculture Regulations Chapter 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, in the amount determined by the lease category.

_____ _____

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 Chapter 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, in the amount determined by the lease category.

_____ _____

Applicant Signature **Date**

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

18. 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 standard lease process.

Printed name: Dana L. Morse

Title (*if corporate applicant*):Member, NICE Oyster Company, LLC

Signature: Date:

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

Note:

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

Additional Applicant:

Printed name: John Swenson

Title (*if corporate applicant*): Member, NICE Oyster Co., LLC

Signature: Date:

Signature: Date:

19. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS (*if applicable*)
Directions: If any portion of the site is intertidal, you need to complete the steps outlined below.

Step I: Obtain written permission from all intertidal landowners.
Pursuant to DMR Regulations Chapter 2.10(3)(G) the Department requires *written permission of every owner of intertidal land in, on, or over which the 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.

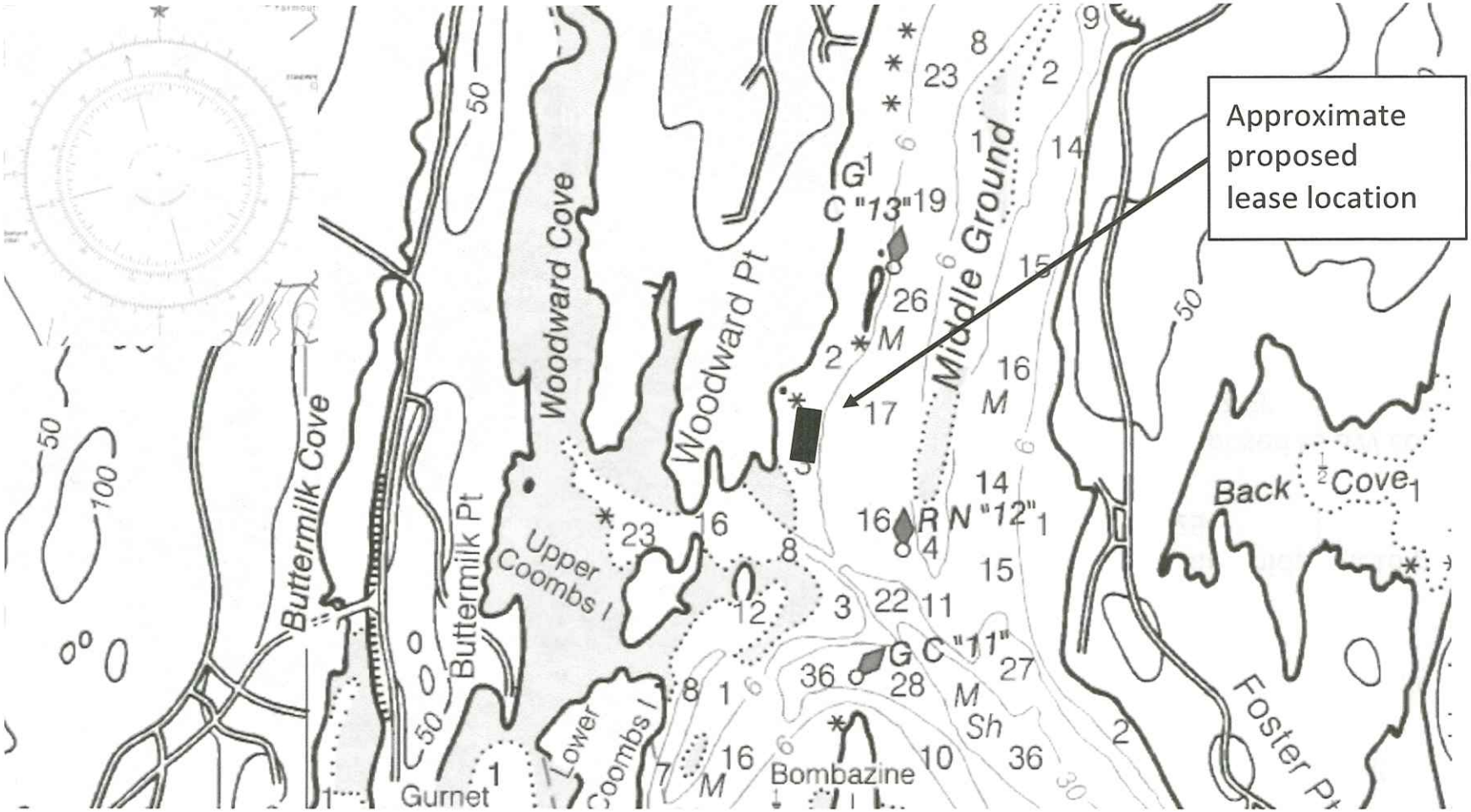
It is your responsibility to contact the municipality and determine if they have a shellfish conservation program. Best practices would include discussing your plans with shellfish committee members, but *only the consent of municipal officers is required*.

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.

This question does not apply – no parts of the proposed lease are in the intertidal zone.

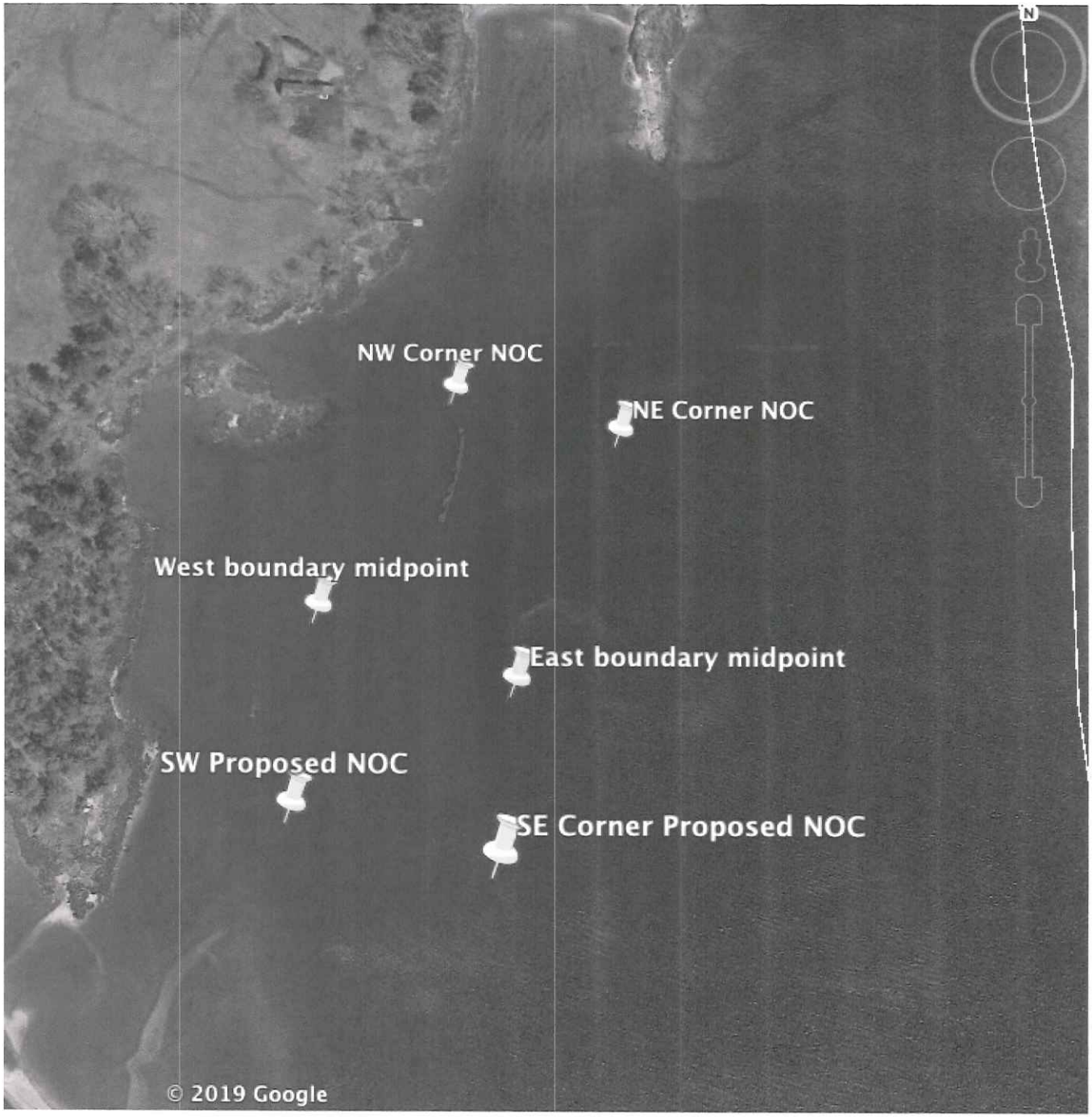
Figure 1. Vicinity Map: NICE Oyster Co, Standard Lease application, 2020



1000 0

Scale, in yards

Figure 2. Boundary Drawing: NICE Oyster Co, Standard Lease application, 2020



Approximate distances, in feet, between points:

NW cor to NE Cor: 253'

NE Cor to E. boundary midpoint: 451'

E. boundary midpoint to proposed SE Cor: 254'

SE cor proposed to SW cor proposed: 273'

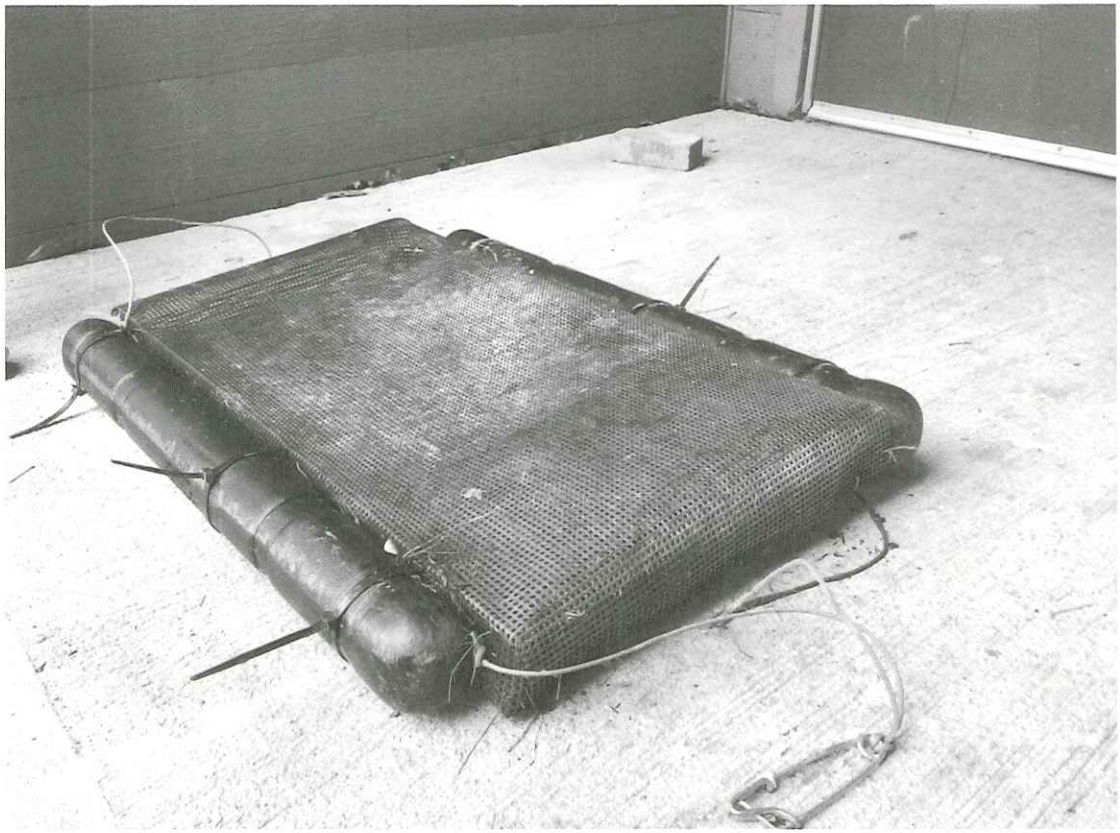
SW cor proposed to W. boundary midpoint: 296'

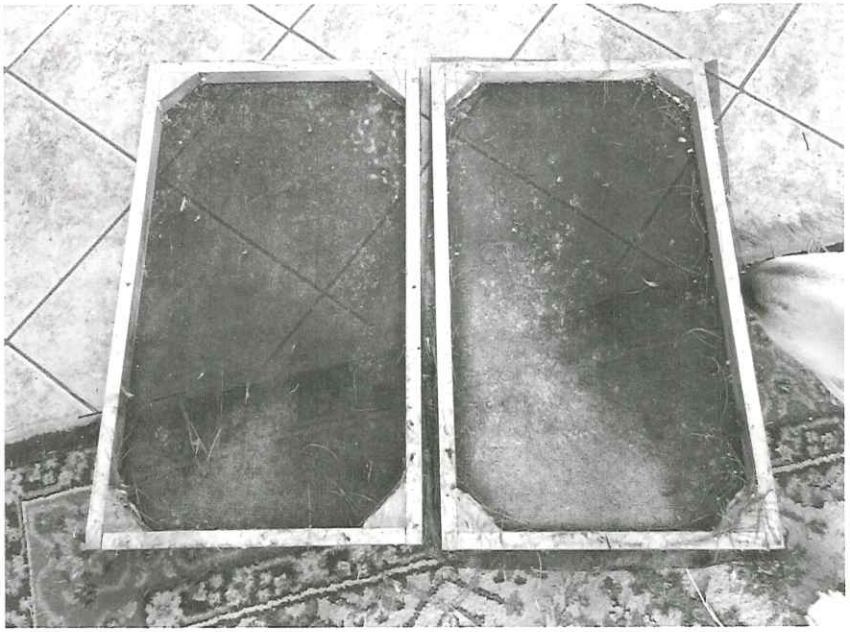
W. boundary midpoint to NW cor: 437'

Coordinates for each point are given in the text of the application.

Coordinates taken from Google Earth, version 7.1.8.3036

Figure 3. Floating Shellfish Bag and Seed Box
NICE Oyster Co. Standard Lease Application, 2020

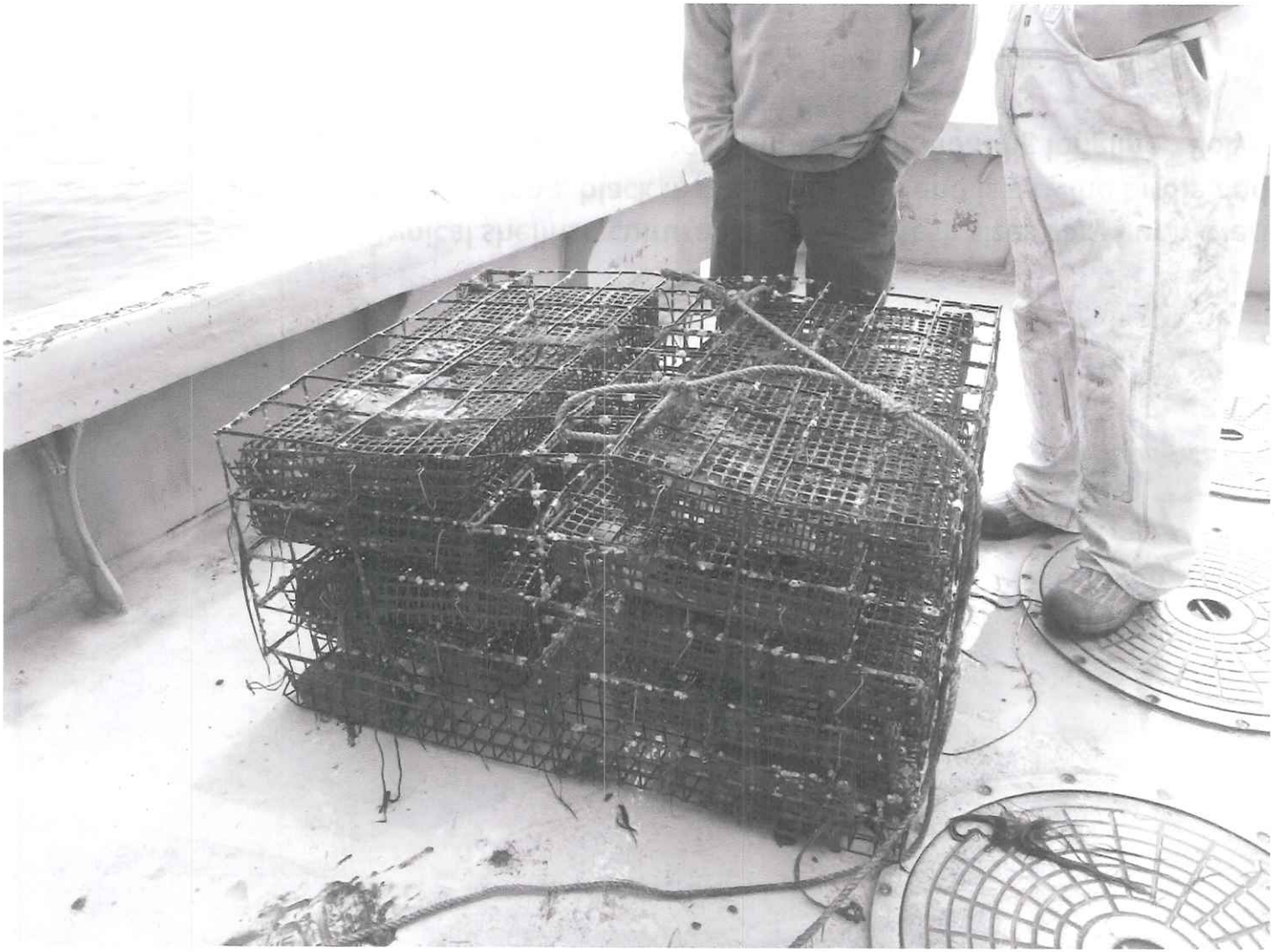




Typical shellfish culture bag - Left. Mesh sizes vary but material is polyethylene, black in color. At each end is a twine bridle and a stainless steel snap, to connect to the floating longline. Polyethylene billets on either side provide flotation.
Approximate dimensions: 31" long x 22" wide x 5" high.

Right: typical seed box, approximately 27"long by 3" high by 18" wide. These boxes are wooden, with stainless steel fasteners. 1.8mm Pet Screen is attached to the box, and both halves of the box come together, then slid inside a floating shellfish bag.

Figure 4. Bottom Cage. NICE Oyster Company, Standard Lease Application 2020



Bottom cage, typical.

Construction is coated wire mesh,
Runners on the bottom (or none),
up to four columns
high, and one or two columns wide.
A rope bridle leads to a surface
buoy or a rope longline.

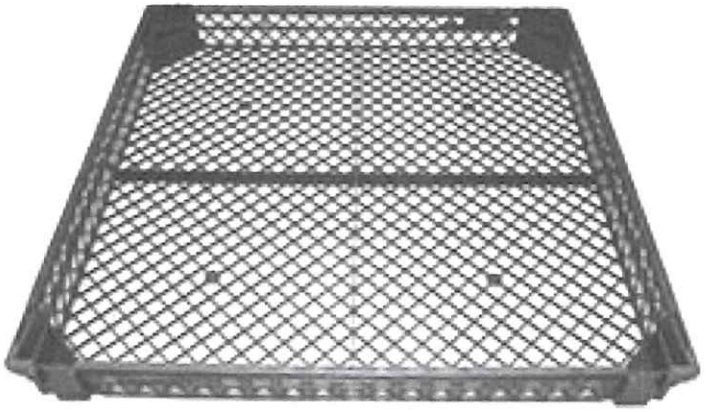
Approximate dimensions are
36" high by 40"
wide by 30" deep.

Figure 5. Lantern-style net. NICE Oyster Company, Standard Lease Application 2020

Photo shows a typical arrangement of our proposed lantern-style net. Each 'lantern' will have 2-4 platforms, and each platform holds a shellfish bag. Each shellfish bag will typically hold 100-200 market-size oysters. The lantern will attach to a longline, and suspended from the surface by a buoy. This arrangement may be used for growout, but typically is anticipated to be used for market-ready product, easily accessible and free from perching birds. Construction: wire mesh cages, polyethylene shellfish bags, and rope bridle. Each level approximate dimension: 30" long by 18" wide by 4.5" high.

Figure 6. Typical bottom trays. NICE Oyster Company, Standard Lease Application 2020

Right: Example of a bottom tray; no lid, approximately 36" square and 4" in height. This model is called an AquaTray, by Tooltech Plastics, Australia, but similar trays of coated wire mesh will be tried as well. Material is polyethylene, and trays can be stacked or nested. Bottom trays are tied into a submerged longline, and are not visible from the surface.



30

Right:
Bottom tray of wire mesh, ½" mesh size. Trays will tied into longlines of sink rope, to minimize equipment on the surface. Approximate dimensions are 36" square X 4" in height.

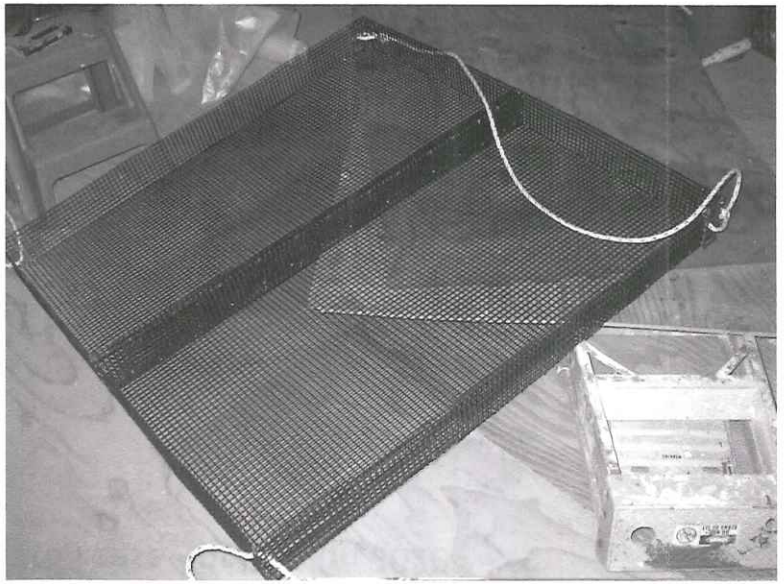
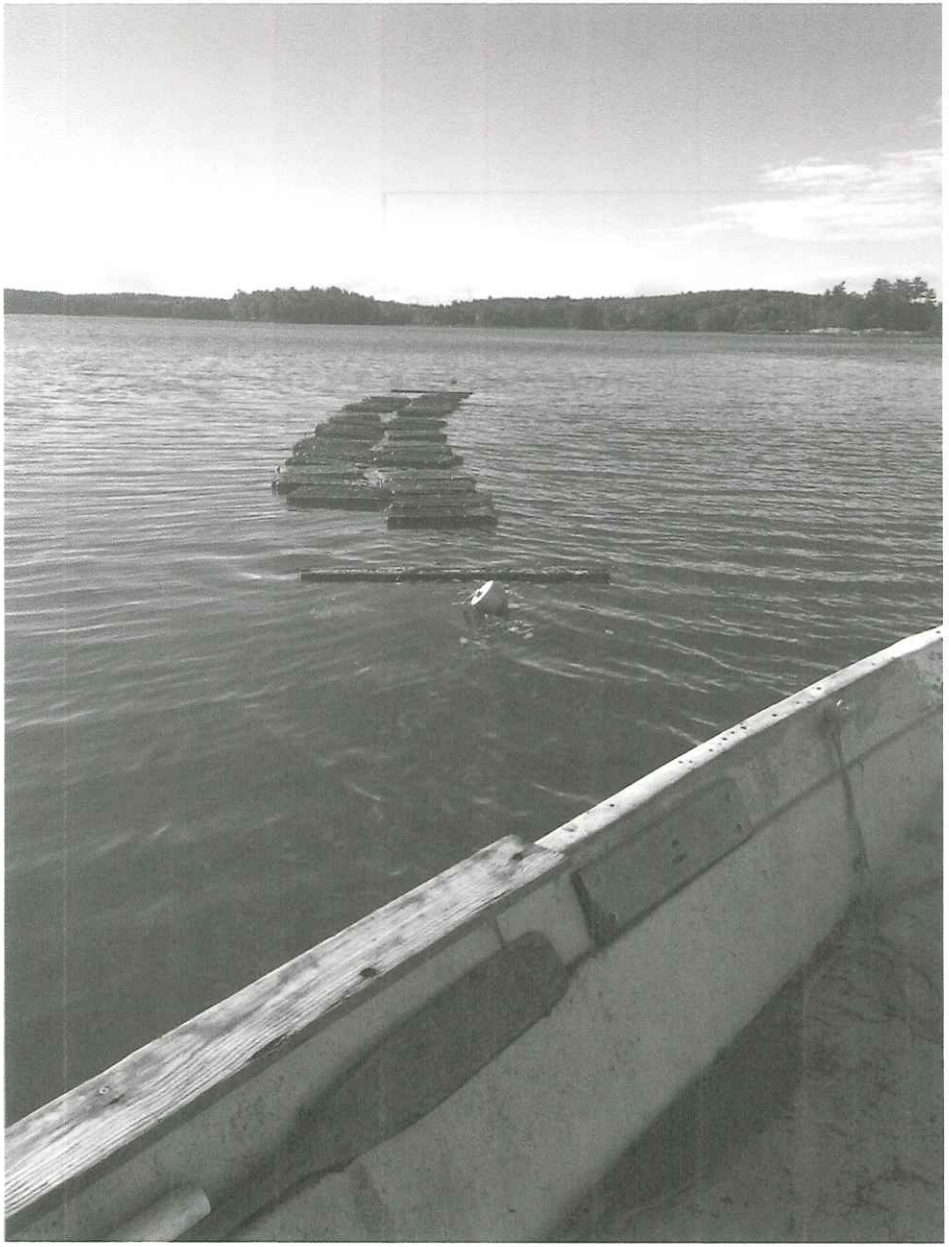


Figure 7. Longline, materials and deployment. NICE Oyster Company, Standard Lease Application 2020



View of a typical longline arrangement. Photos show floating bags, held in place by lines attached parallel to one another, and tied at each end to a spreader bar. Each spreader bar is also tied to a bridle, leading to the mooring line and the mooring tackle, typically a 75lb mushroom anchor.

Note: our application describes bags arranged in paired parallel lines as shown here, as well as single rows of bags.

Figure 8. Typical longline, materials in detail. NICE Oyster Company, Standard Lease Application 2020

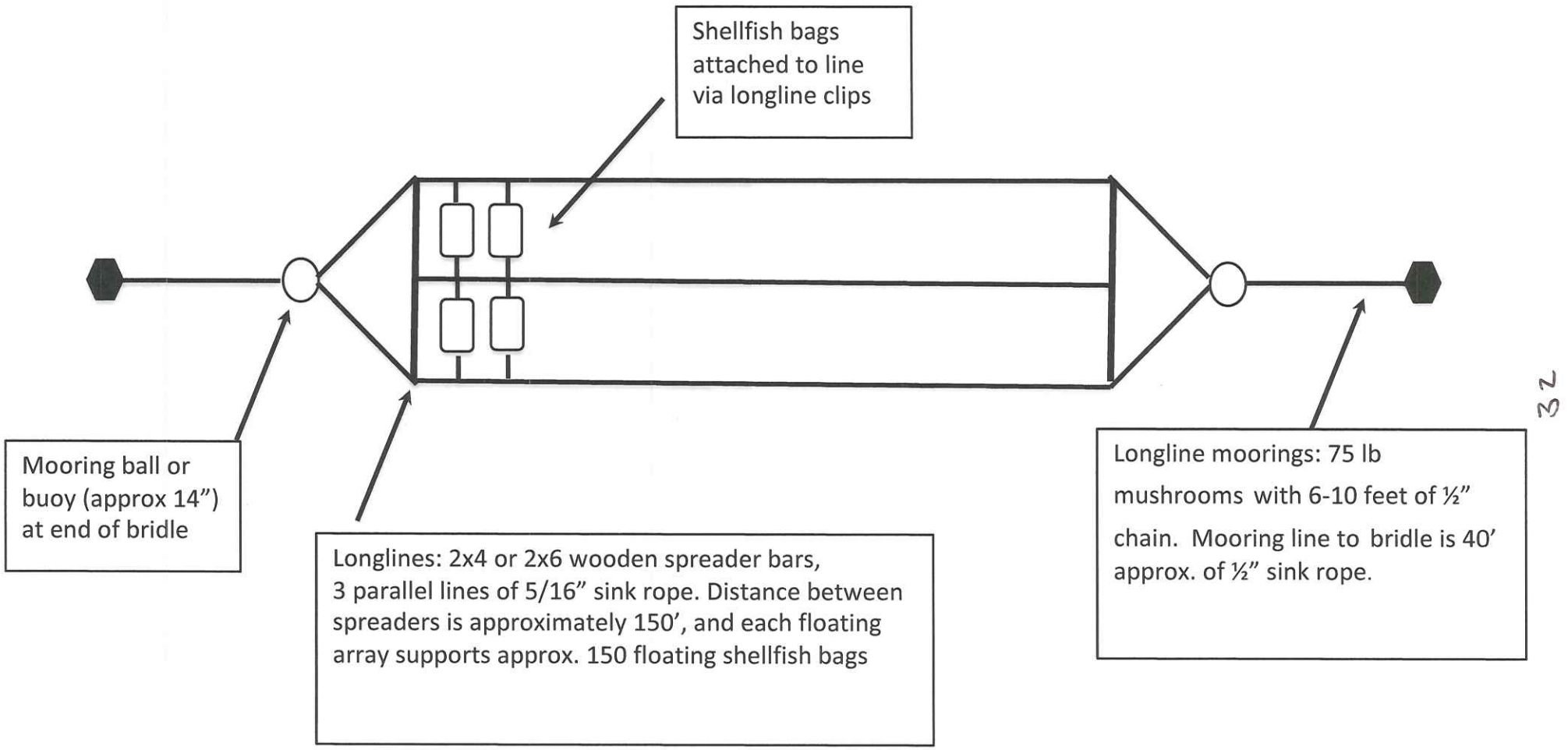


Figure 9. Surface float; work platform NICE Oyster Company, Standard Lease Application 2020

Proposed float would measure approximately 10' x 12' feet. Materials: Hemlock or Tamarack framing and planks, galvanized steel corner plates for mooring attachment, foam-filled plastic flotation.

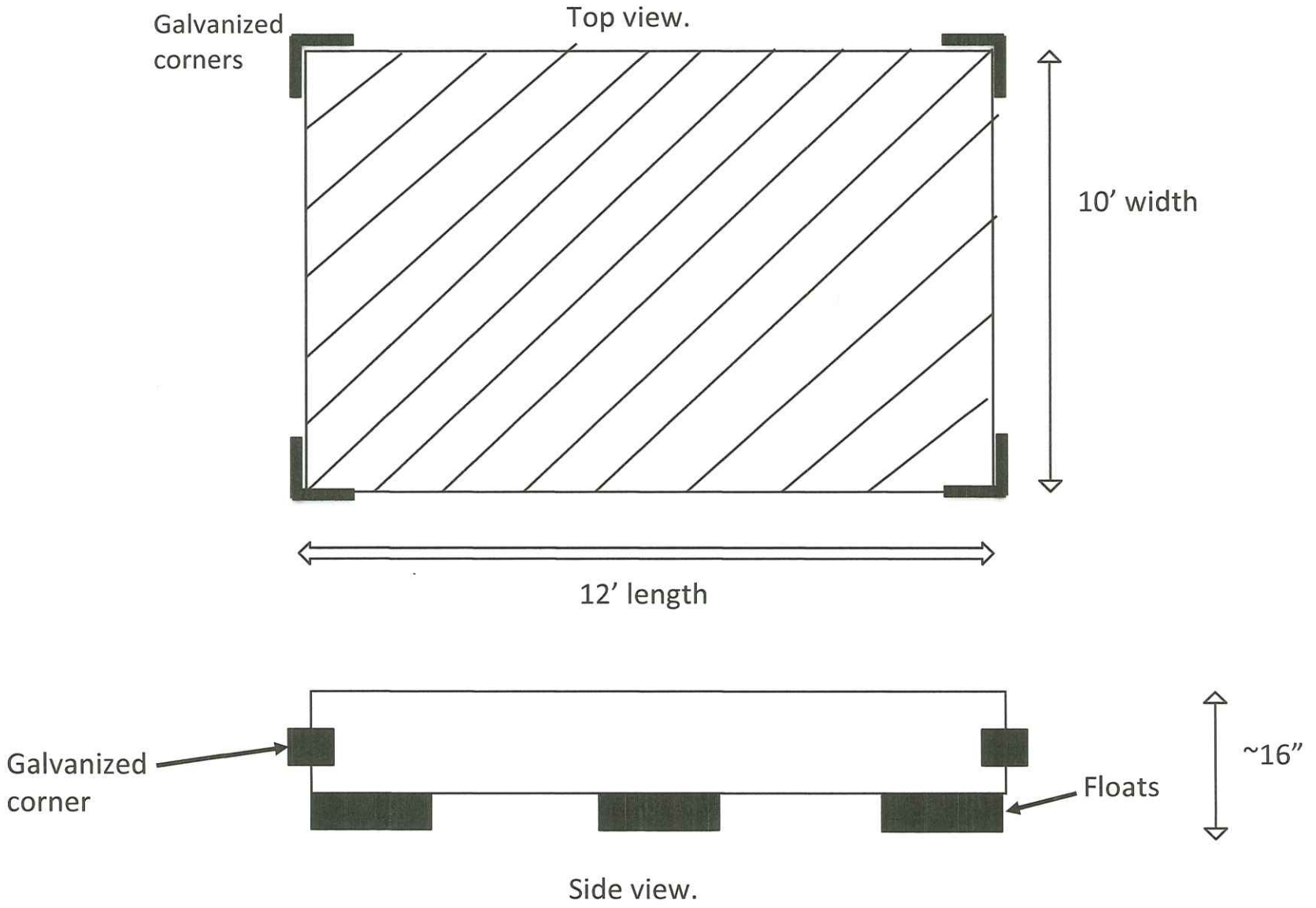


Figure 10. Maximum structure and moorings, overhead view. NICE Oyster Company, Standard Lease Application 2020

Note: graphic shows longlines with paired rows of bags. In practice, some or all longlines might be single rows of bags, up to 10 total floating longlines and a maximum of 1200 bags.

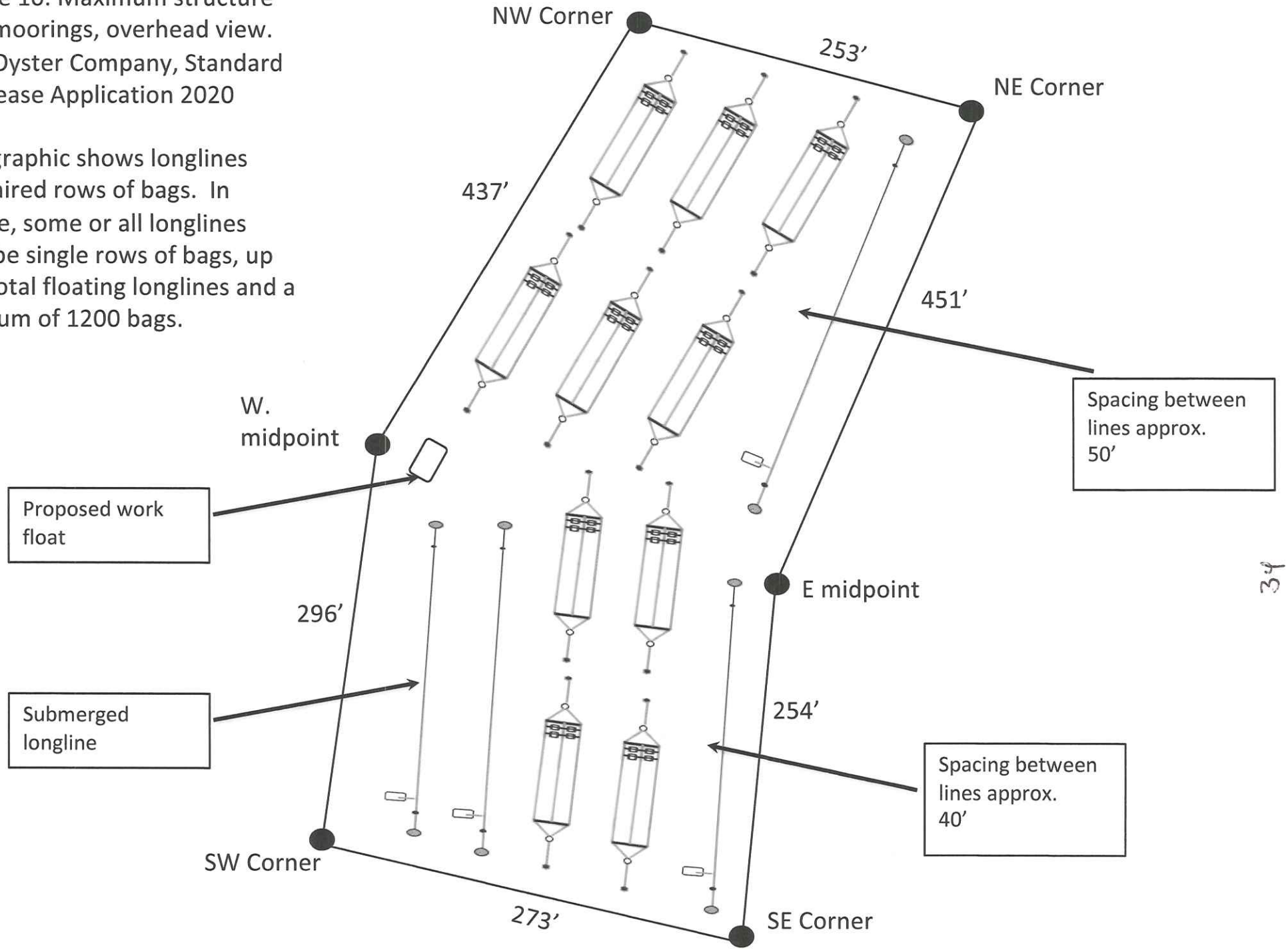
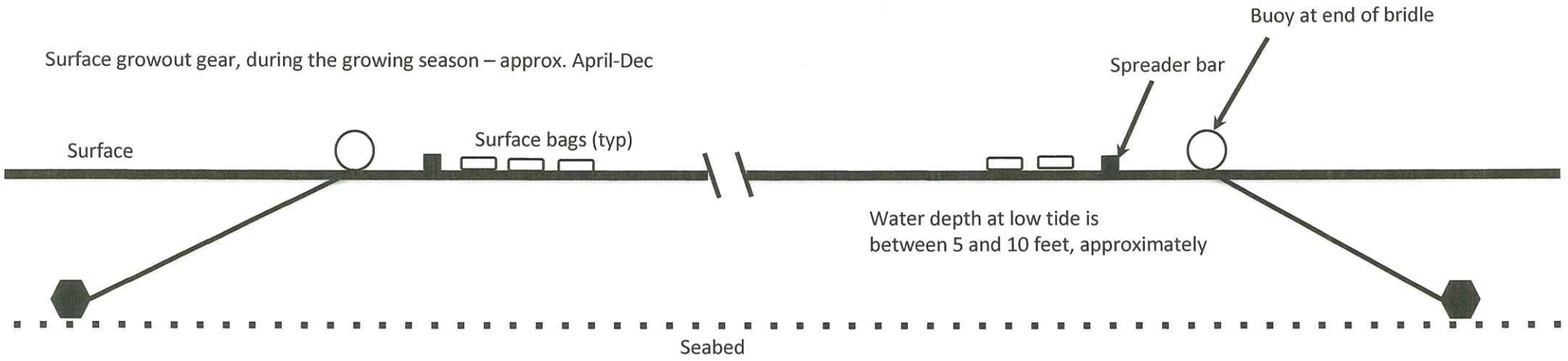


Figure 11. Maximum structure and moorings, cross section view.
NICE Oyster Company, Standard Lease Application 2020



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Below: Overwintering deployment, with overwintering occurring approximately December-April: all lines and buoys are removed from surface, bottom cages are tied into the 5/16" to ½" longline. This graphic also describes the year-round deployment for bottom cages and trays. All surface indicator buoys are removed for winter, except for one 'winter stick' style buoy, for overwinter, for ease in retrieving the longline.

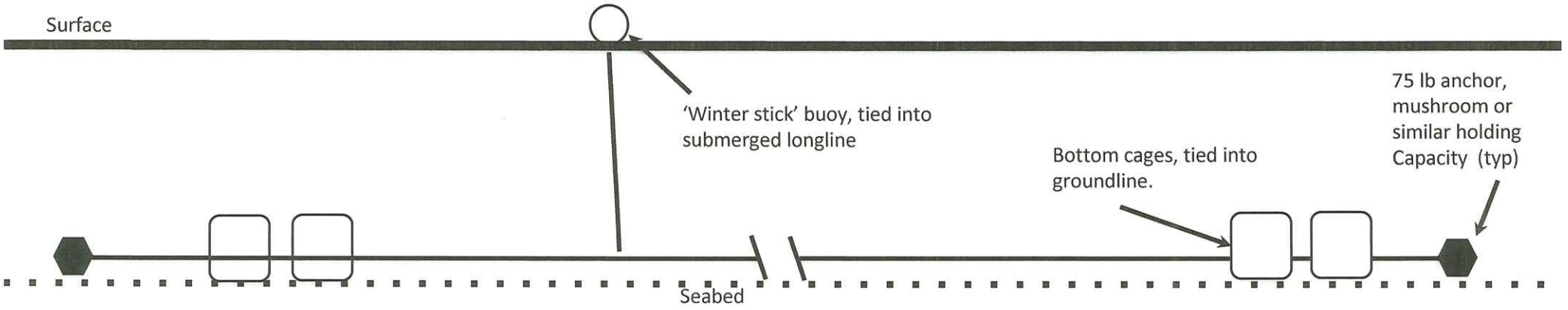


Figure 12. Equipment layout (general, maximum) from the river, looking south of west.
NICE Oyster Company, Standard Lease Application 2020

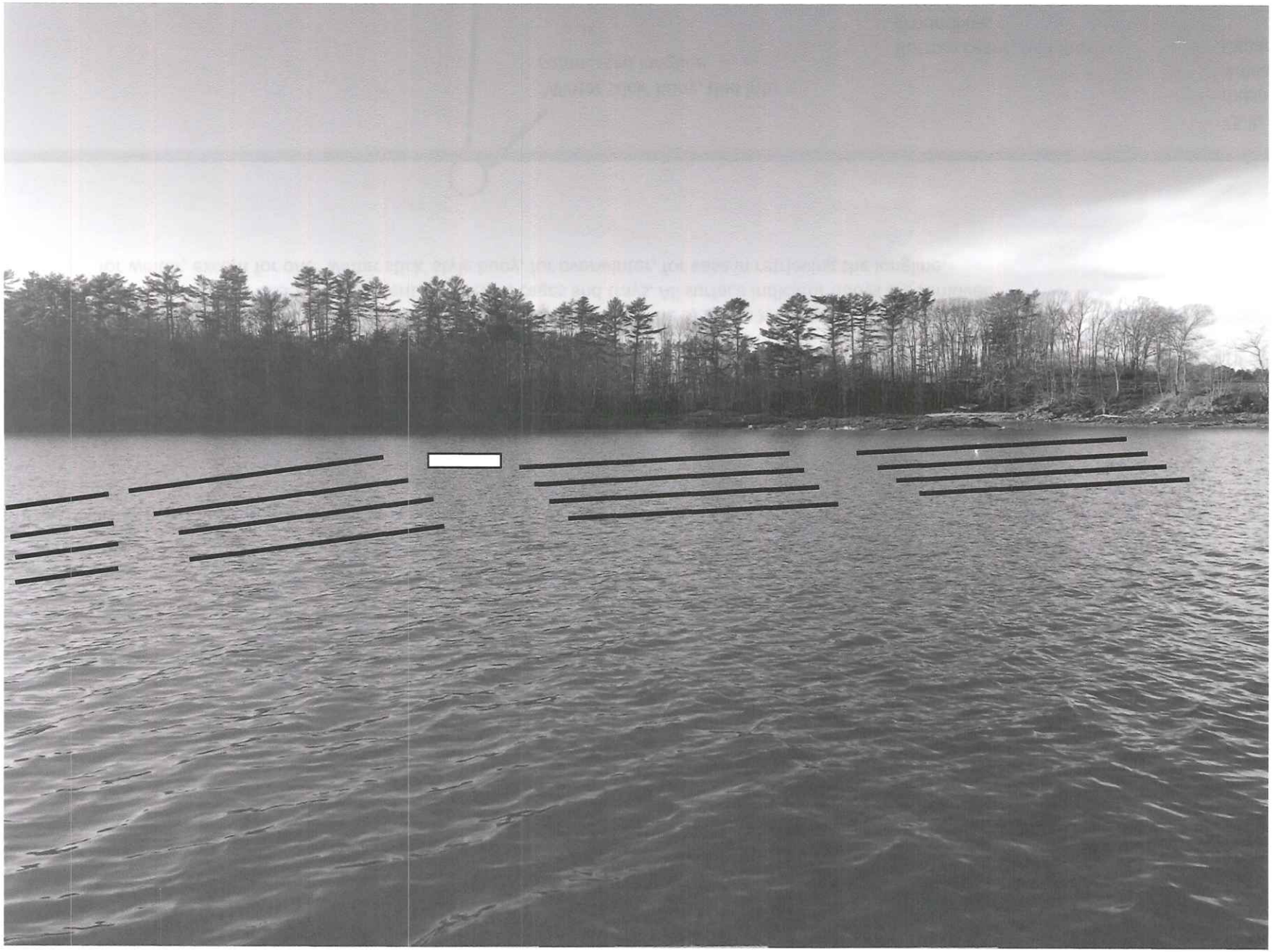
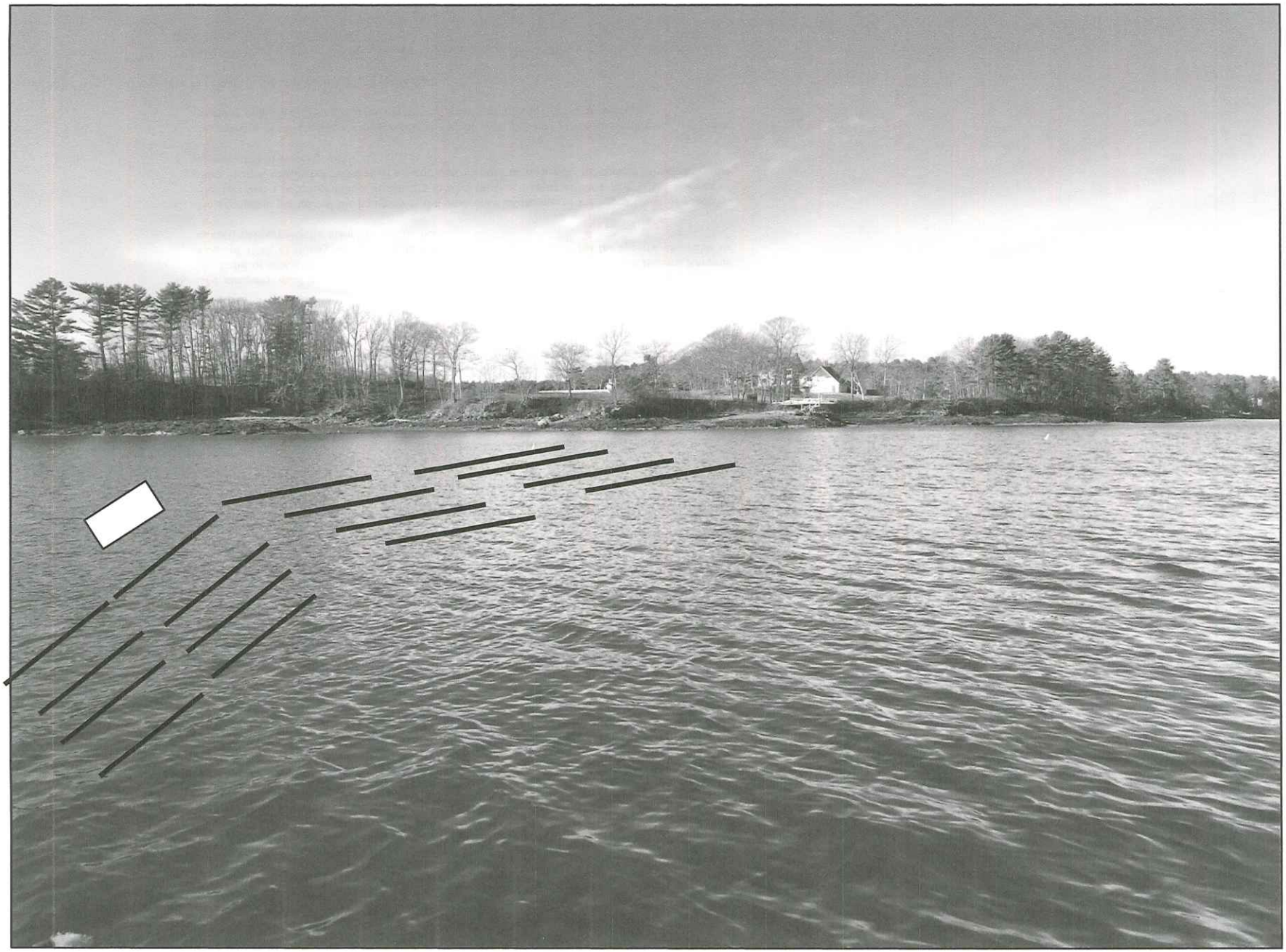


Figure 13. Equipment layout (general, maximum) from the river, looking northwest.
NICE Oyster Company, Standard Lease Application 2020



Filing Fee $175.00

File No. 20165381DC Pages 2
Fee Paid $ 175
DCN 2161462230036 DLLC
-----FILED----------
05/19/2016

Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

MAINE
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

FIRST: The name of the limited liability company is:

Nice Oyster Company, LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "l3c" – see 31 MRSA 1508.)

SECOND: Filing Date: (select one)

☑ Date of this filing; or
☐ Later effective date (specified here): _____

THIRD: Designation as a low profit LLC (Check only if applicable):

☐ This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:

A. The company intends to qualify as a low-profit limited liability company;

B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;

C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and

D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

FOURTH: Designation as a professional LLC (Check only if applicable):

☐ This is a professional limited liability company* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

_____
(Type of professional services)

UNIVERSITY CREDIT UNION
Prepare • Progress • Achieve®

15 Main Street, Orono, ME 04473
P | 207.889.8600 F | 207.889.9086
ucu.maine.edu | 800.696.8628 | NMLS ID: 407658

Nice Oyster Company, LLC
685 Lewis Hill Road
Bowdoin, ME 04287

Date: 2/5/2020
Account Type : Business Account
Description: Letter of Financial Capabilities

We, University Credit Union, confirm that our client, Dana Morse of Nice Oyster Company, LLC, currently has a business account in good standing with us. The funds in his account are available for use and are clear of any holds, liens or encumbrances.

39

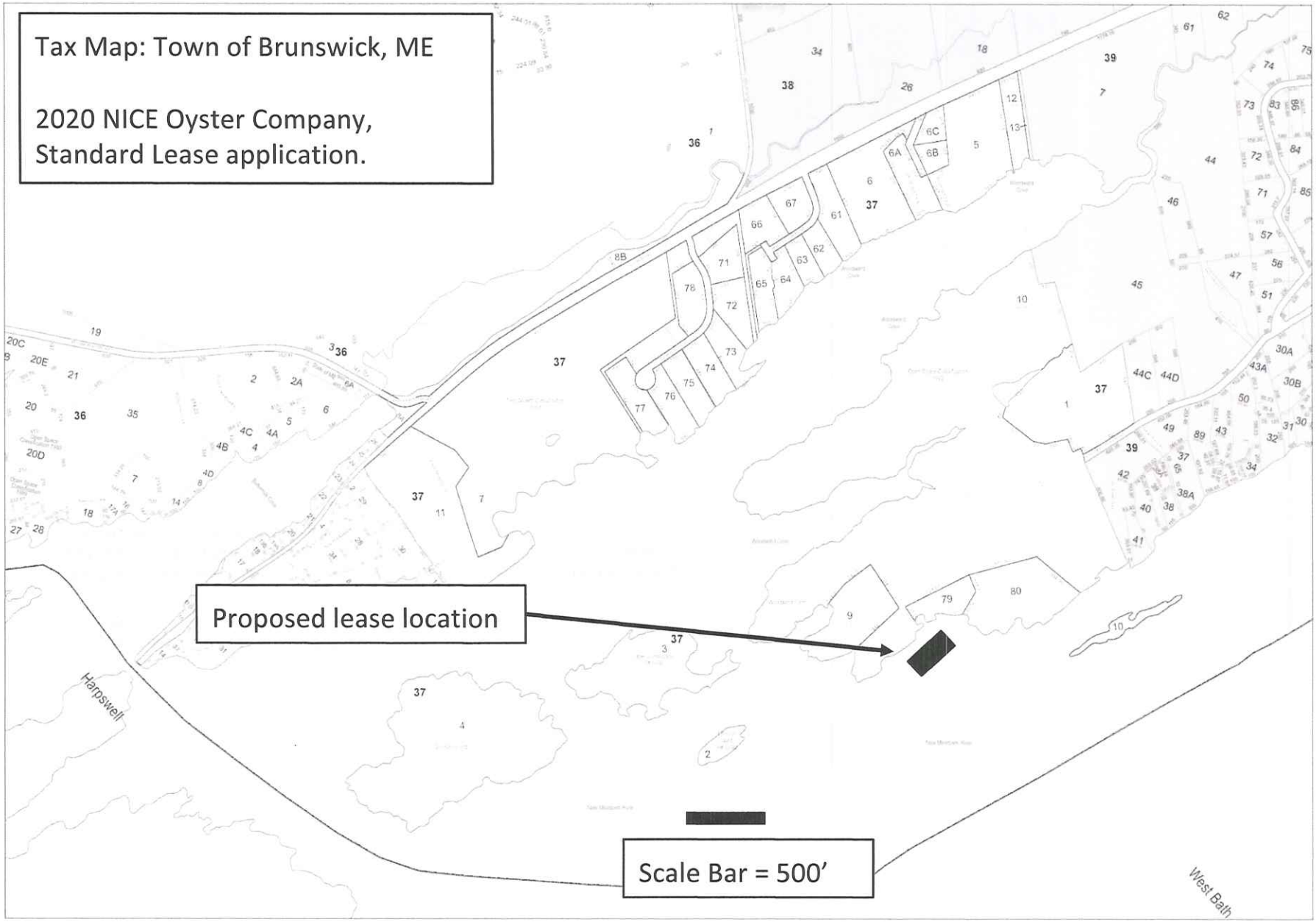
Kimberly A. Saucier

Kimberly A. Saucier

Electronic Service Representative
15 Main Street
Orono, ME 04473
1-800-696-8628

Tax Map: Town of Brunswick, ME

2020 NICE Oyster Company,
Standard Lease application.



Town of
BRUNSWICK
Maine

Legend
Lines_Other
Other Road
Hydrography Line
ROW Property Access
Town Boundary
Other Lot Boundary
Parcels_Lines
Public Road
Private Road
ROW
Water

Revised To: April 1, 2019

Maps Prepared by
Town of Brunswick

Revised and Reprinted By
CAI Technologies

MAP
37

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

JANET T. MILLS
GOVERNOR

PATRICK C. KELIHER
COMMISSIONER

– RIPARIAN OWNERS 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: Brunswick

MAP #	LOT #	Landowner name(s) and address(es)
37	9	Coburn, Dawn 200 Woodward Pt Rd
37	10	Maine Coast Heritage Trust 1 Bowdoin Mill Istand, Suite 201, Topsham, ME
37	79	Cook, Jason Ellis % Andrew Cook & Jackie Ellis 9 Zeitler Farm Rd, Brunswick, ME
37	80	Phillip Jackson (Jackson Family Trust) & Michelle Ciccolo (Ciccolo Family Trust) 50 Shade St, Lexington, MA 02421
37	2	Perry, Allan S & Karen R JT 11 Captains Way, Harpswell, ME 04079

OFFICES AT 32 BLOSSOM LANE, MARQUARDT BUILDING, AUGUSTA, MAINE
http://www.Maine.gov/dmr

PHONE: (207) 624-6550

FAX: (207) 624-6024

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

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Angela Bradstreet ~~Town Clerk~~ Assessor for the Town of Brunswick, 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: Angela Bradstreet DATE: 3-13-2020