



APPLICATION FOR CHANGE IN AUTHORIZATION FOR SPECIES and/or GEAR



Lease Acronym	NMR WP
Leaseholder	NICE Oyster Co
Contact Person	Dana L. Morse
Address	685 Lewis Hill Road
City	Bowdoin
State, Zip	ME 04287
Telephone	207.841.4899
Email	niceoysterco@gmail.com

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

Gear amendment only

Instructions: Review and complete sections 1, 3, 4, and 5 of this application

Species amendment only

Instructions: Review and complete sections 1, 2, 4, and 5 of the application

Gear and species amendment

Instructions: Review and complete each section of the application

1. Bird Deterrents

BIRD DETERRENTS: Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. If you are applying to add shellfish species and/or suspended gear to your site, please include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Suspended gear and associated product would be submerged at a depth sufficient to deter roosting for at least two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- Only shellfish seed would be cultured
- Only adductor-only scallops would be cultured

We suggest two mitigation strategies against birds. First: the gear itself is not likely to supporting marine birds such as cormorants, terns, eiders, etc. The proposed longline and the cages that are suspended from it are not suitable for non-perching birds such as those listed - they much prefer flat surfaces to stand on rather than perching on a narrow structure. So, we do not anticipate much, if any, bird fouling from this avenue.

Secondly, we do employ bottom cages as a pre-market step. Partly, we do this as a way to stage product for market, already segregated by size, and often counted out for sale. The bottom cages are always submerged and are free of any contamination from perching birds. We will submerge market-ready product for a minimum of two weeks. Alternatively, we plan on having a raft on the site for 2024, in accordance with what has already been permitted on the standard lease agreement. We may store market product under the raft and out of the way of perching birds; also for a minimum of two weeks.

2. SPECIES CHANGES

SPECIES INFORMATION: Indicate the species you wish to add or remove from your lease and list the source of stock for each species you wish to add.

Indicate "Add" or "Remove" from Lease	Species (common and Latin name)	Source of Stock (Name, address, & phone number)

CULTURE PLAN: Please describe how you intend to cultivate each of the species you proposed to add to the lease using the table below. Please attach a separate table for each species you propose.

Information Requested	Proposed Species:

3. GEAR CHANGES

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

Specific Gear Type (e.g. soft mesh bag)	Add or Remove	Dimensions of Gear Added or Removed (e.g. 16"x20"x2")	Dates That Gear Will Be in The Water (Added gear only)
Zapco cage (up to 30)	Add	Approximately 30" long by 16" diameter	April 15 through November 30
Longline (maximum of two)	Add	Approximately 75' long by 2.5" wide.	Bases: year round. Riser posts and associated lines: April 15 through Nov 30
Seapa tube (max of 30)	Add	Approximately 24" long by 8" in diameter	April 15- Nov 30
Staple (max of 10)	Add	Rebar is less than 1" wide, cages are less than 16" wide.	April- December

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

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

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

1. How does adding this gear change your existing operations?
<p>This gear is of interest mostly because it cleans the oysters up well, kills off biofouling and reduces our need to wash oysters prior to sale, which is a time-consuming activity. Secondly, it provides a method to gently tumble the oysters, which is better for oyster shape and thirdly, it allows us a method where we don't have to handle the oysters or gear as frequently, which also saves time and wear and tear on our bodies. The equipment will only be accessible by boat or wading at the bottom third of the tide, so our operations will need to coincide with low water, at least part of the time. No changes anticipated either to early morning or late afternoon visits. We will experiment with achieving these attributes though using a longline, or rebar 'staples.'</p> <p>Regarding marking for this submerged gear. We propose to mark the gear with floats along the longline or the rows of staples. These will be set such that they will be visible when the equipment below is about 3' below the floats: this will provide enough room for any vessels that navigate through this area. Floats at the ends of each longline or staple row will be visible at all tides.</p> <p>Alternatively - but less preferred: we can set a longline of oyster bags near the longlines/staples. This is less preferred because it might limit the amount of room that we can use, when servicing the gear.</p>

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

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

4. Will gear remain on site during the winter? Yes No

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

We will either remove all the longline and associated gear in the fall, or leave only the post bases for the winter. Staples will be removed. All oysters will go into our bottom cages, as we've done since 2014. Overwintering usually begins November 1 or thereabouts, and we bring the oysters up from the bottom usually in the beginning of April.

4. Tax Maps and Riparian List

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

Yes No

If yes, the following supporting documents are required:

A. Tax Map

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

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

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

B. Riparian List

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

RIPARIAN LANDOWNER LIST

THIS LIST MUST BE CERTIFIED

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

TOWN OF:

MAP #	LOT #	Landowner name(s) and address(es)
37	10	MAINE COAST HERITAGE TRUST 1 BOWDWIN MILL ISLAND, SUITE 201 TOPSHAM, ME 04086
37	9	DAWN COUSINS, 200 WOODWARD BRIST ROAD BRUNSWICK, ME 04011
37	79	JAKI ELLIS 9 ZESTLER FARM ROAD BRUNSWICK, ME 04011
37	80	MICHELLE CICCOLO + PHILIP JERUSA 50 SHAD ST LEXINGTON MA 02421
37	2	209 PLEASANT ST LLC 209 PLEASANT ST. BRUNSWICK ME 04011

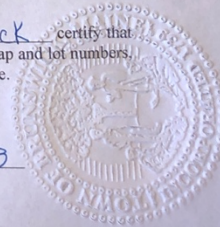
*
INTERFERING LAND
POSSIBLY IN →
1000' OF LEASE

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Angela Bradstreet, ^{Assessor} ~~Town Clerk~~ 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: 12-21-23



Version 6-20-2023

5. Applicant Signature

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

Printed name: Dana L. Morse

Title (*if corporate applicant*): _____

A handwritten signature in cursive script that reads "Dana L. Morse". The signature is written in dark ink on a light-colored background.

Signature: _____ Date: 2023.12.21

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

Note:

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

Additional Applicant:

Printed name: _____

Title (*if corporate applicant*): _____

Signature: _____ Date: _____

6. Application Submission

1. Please review your application for completeness and ensure all supporting documents are attached. You may submit your application to DMR via email or mail to the addresses provided at the beginning of the application.
2. After you submit your application, DMR will review the proposed changes and contact you if additional information or action is required.
3. DMR will notify you when the application has been deemed complete.
4. After the application is deemed complete, DMR will establish a 14-day comment period. Personal notice of the proposed amendment(s) are provided to any riparian landowners within 1,000 feet of the existing lease and the municipality where the lease is located. Notice of the request will also be published on DMR’s website. After the close of the comment period, DMR will render a final decision on the requested amendment(s).

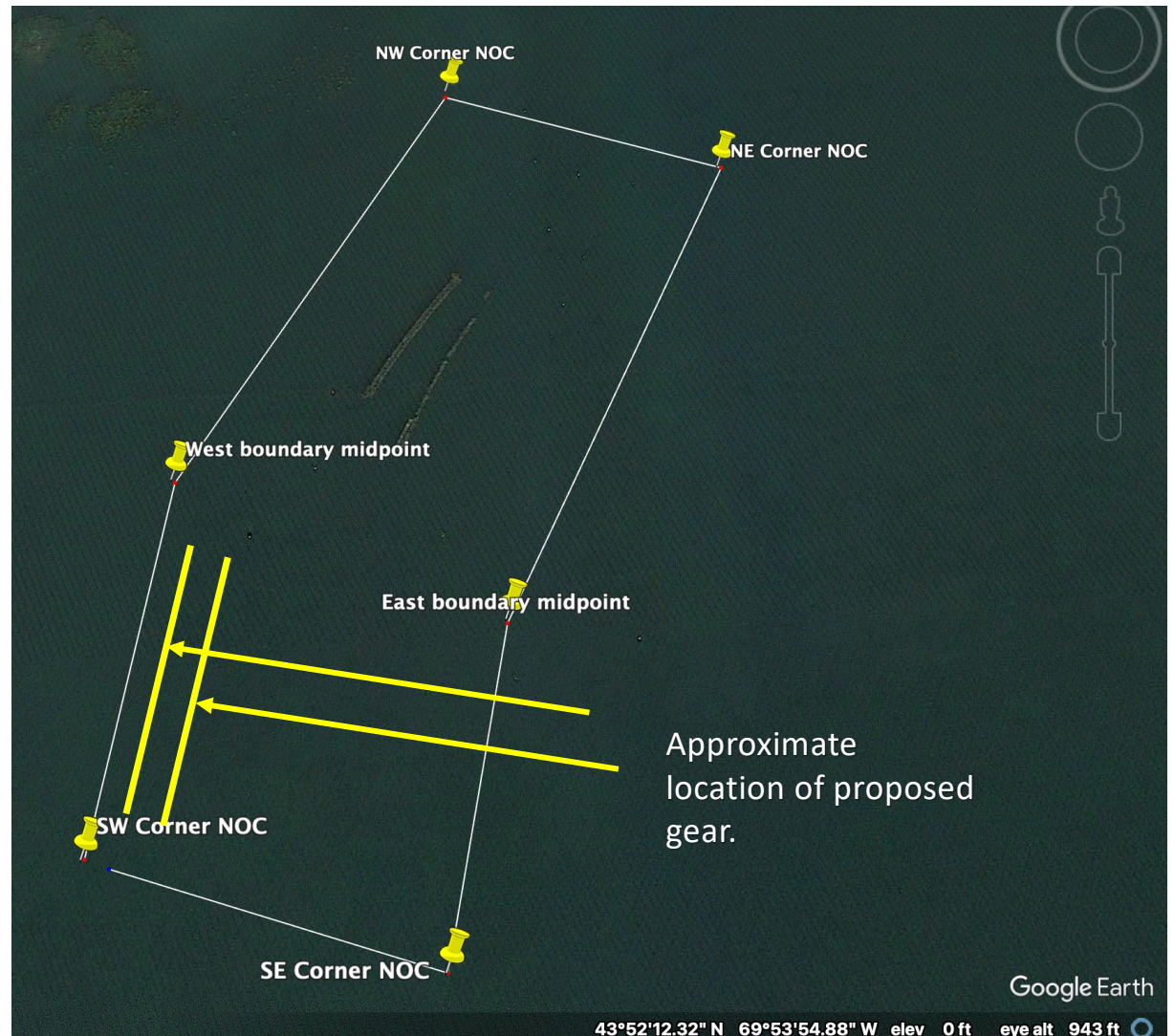
Please be sure you have included the following (if applicable):

Species Amendment	Gear Amendment

<input type="checkbox"/> Tax map	<input type="checkbox"/> Copy of existing Army Corps Permit
<input type="checkbox"/> Certified riparian landowner list	<p>*Please note: although our Standard Lease (NMR WP) was approved and executed some months ago, our Army Corps permit is still pending. We have been in touch with LeeAnn Neal of US ACE on this topic, she recommended submission of this application.</p> <input checked="" type="checkbox"/> Layout plan
	<input checked="" type="checkbox"/> Cross section view
	<input checked="" type="checkbox"/> Drawing of new gear type
	<input checked="" type="checkbox"/> Tax map
	<input checked="" type="checkbox"/> Certified riparian landowner list

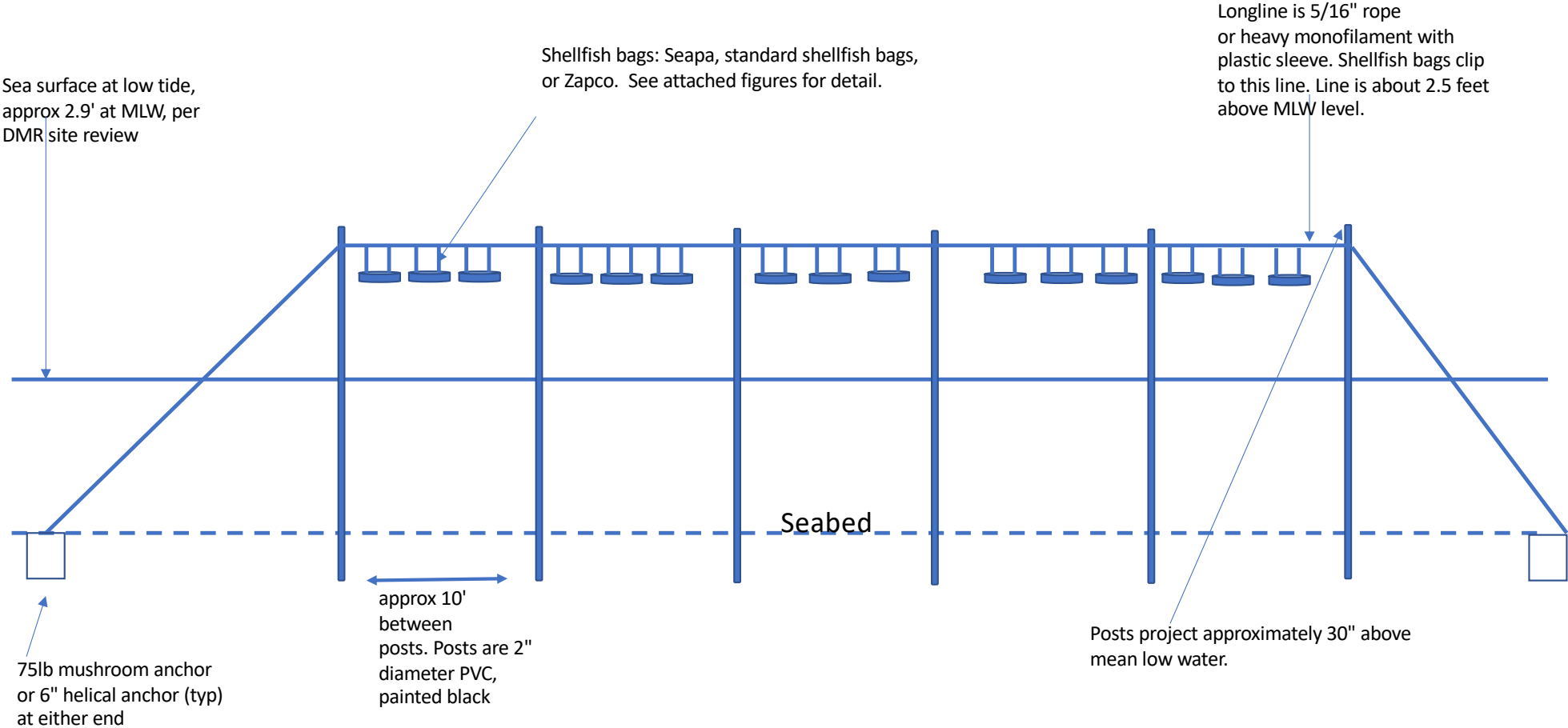
Approximate location of proposed longlines or staples, within existing boundaries of lease NMR WP. Not to scale. Each option - longline or rebar staple - is proposed to be 50 feet long, with additional scope for an anchor at each end.

The system is designed to be serviced by boat or by wading; this region of the lease is approximately 3' deep at mean low water.

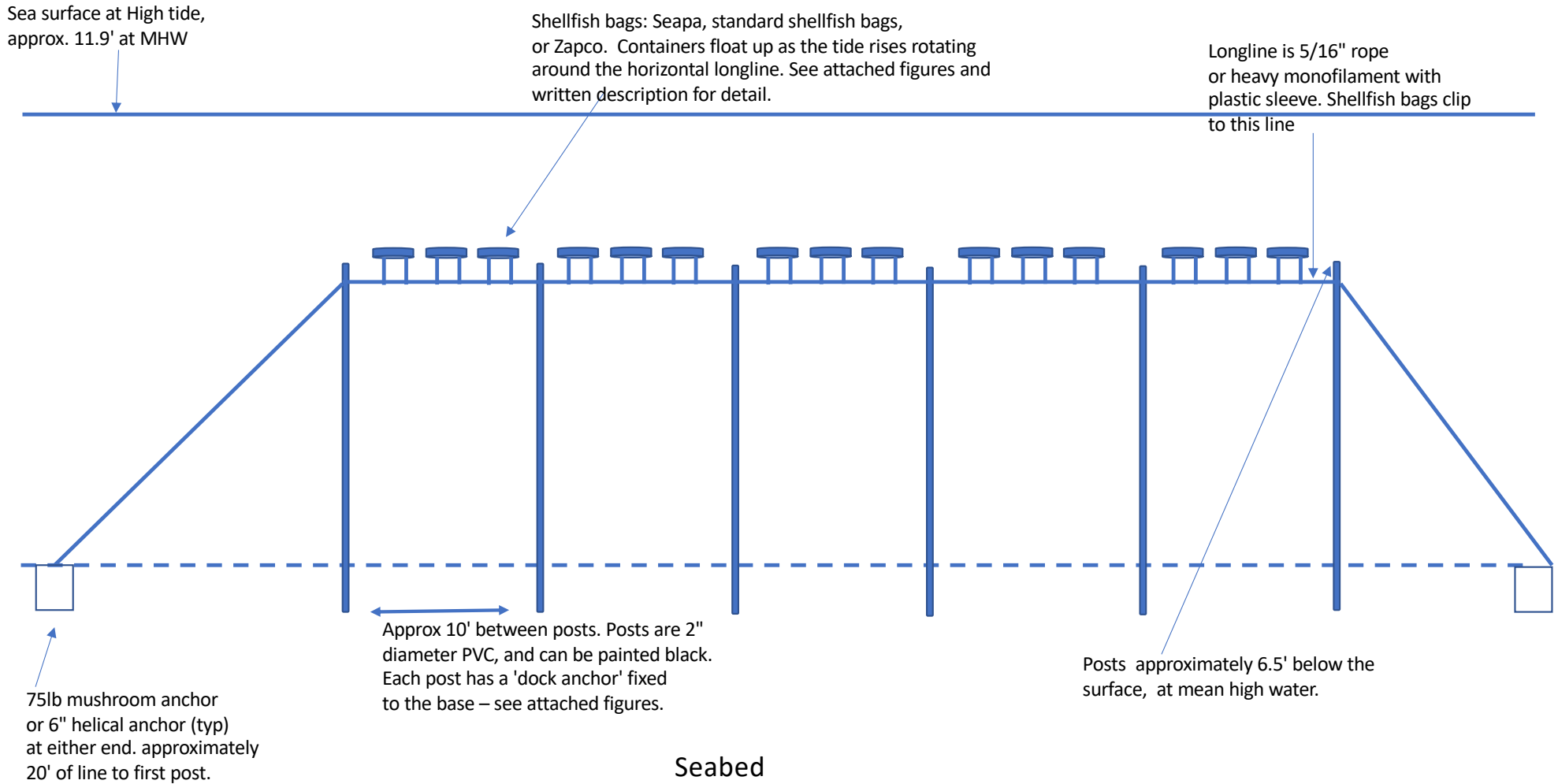


Proposed gear amendment to NMR WP – NICE Oyster Company, 2023

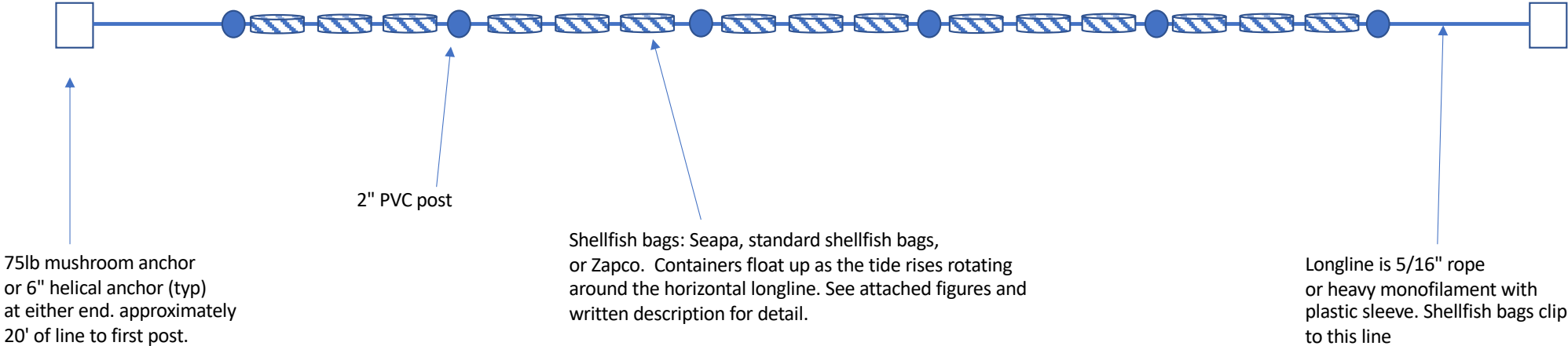
Longline option: Side view at LOW water:
Drawing not to scale.



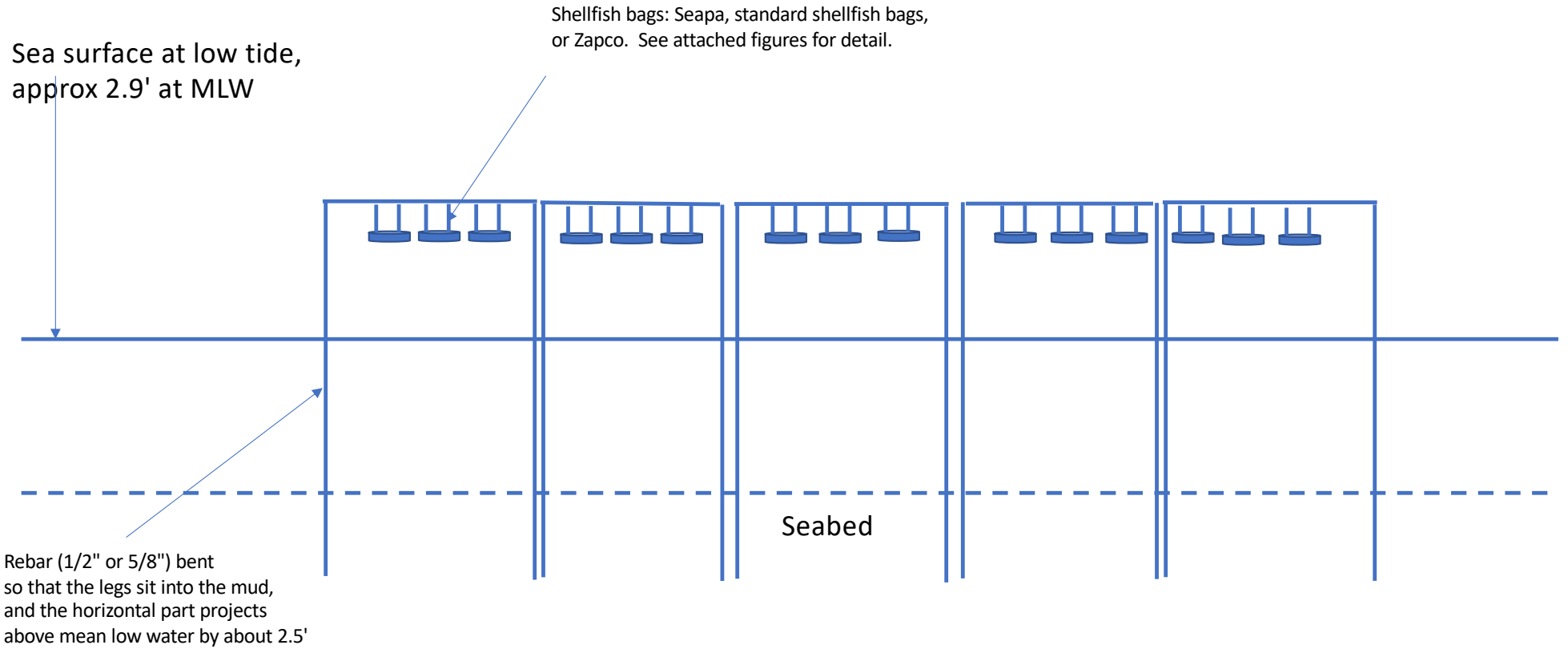
Longline option: Side view at HIGH water:
Drawing not to scale.



Longline option: Top view of proposed equipment, a single line.
Drawing not to scale.



Rebar option: Side view at LOW water:
Drawing not to scale.

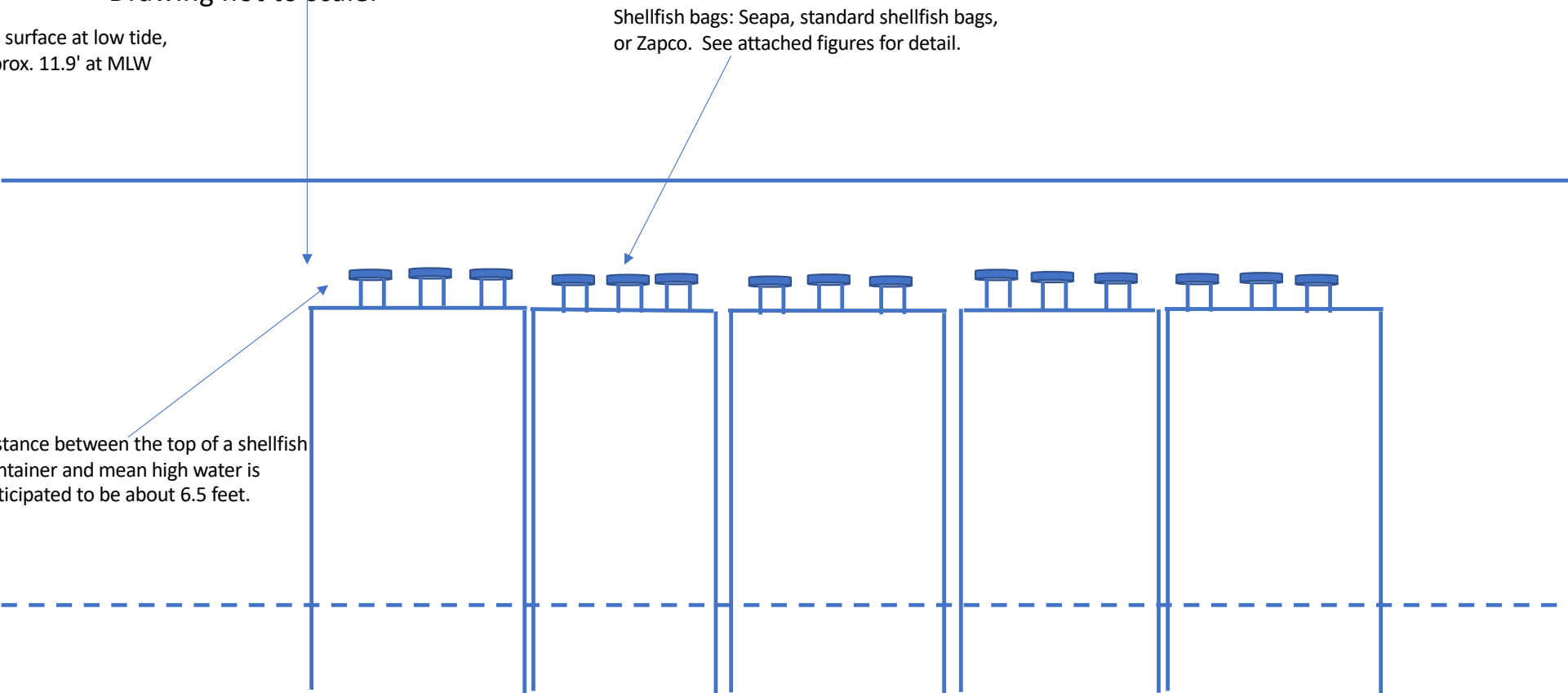


Rebar option: Side view at HIGH water:
Drawing not to scale.

Sea surface at low tide,
approx. 11.9' at MLW

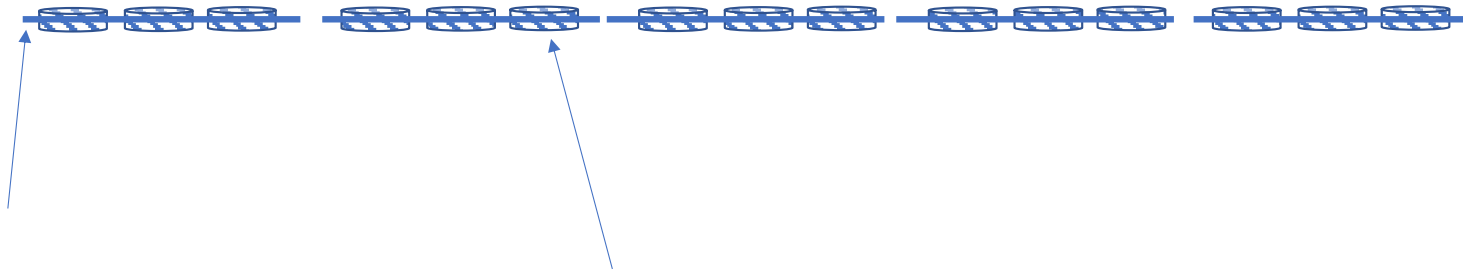
Shellfish bags: Seapa, standard shellfish bags,
or Zapco. See attached figures for detail.

Distance between the top of a shellfish
container and mean high water is
anticipated to be about 6.5 feet.



Seabed

Rebar option: Top view of proposed equipment, a single line.
Drawing not to scale.



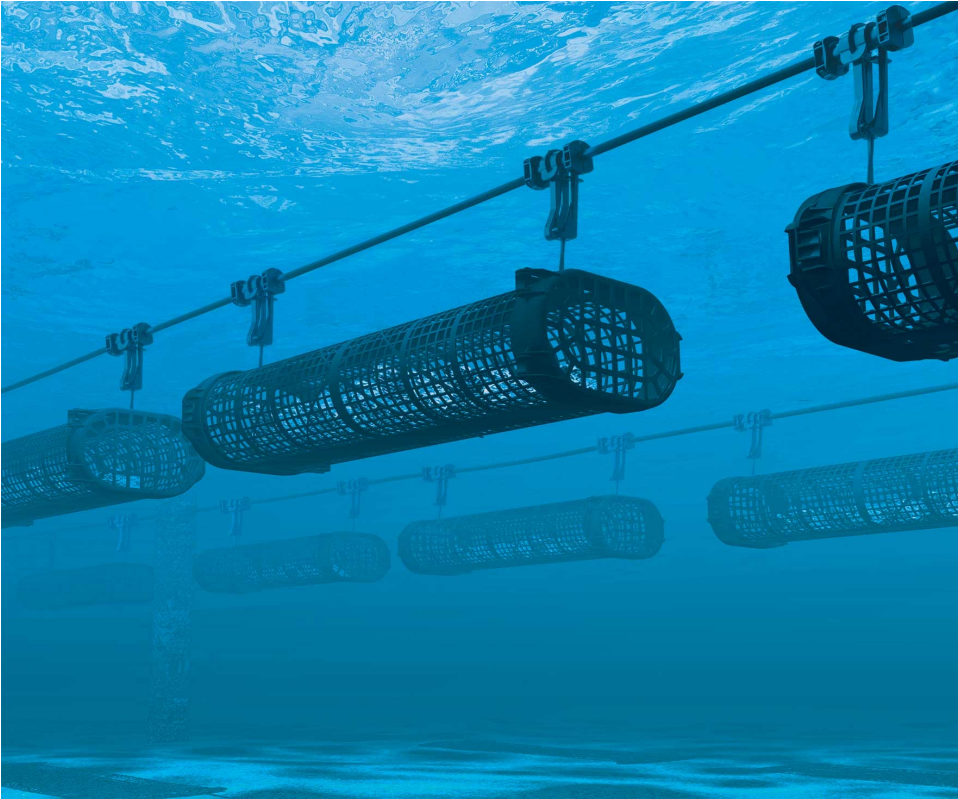
Rebar 'staple' to hold the shellfish bags.

Shellfish bags: Seapa, standard shellfish bags, or Zapco. Containers float up as the tide rises rotating around the horizontal longline. See attached figures and written description for detail.

Example of a Zapco tube, attached to a longline. Zapco tubes have flotation built into the end caps, so the tube floats upward as the tide rises.



Left: Image of Seapa baskets, submerged, and attached to a longline.
Right: A Seapa basket with a float attached, so the cage will float upward at high tide.



Standard oyster bag with longline clips on one side and a float attached to the other.



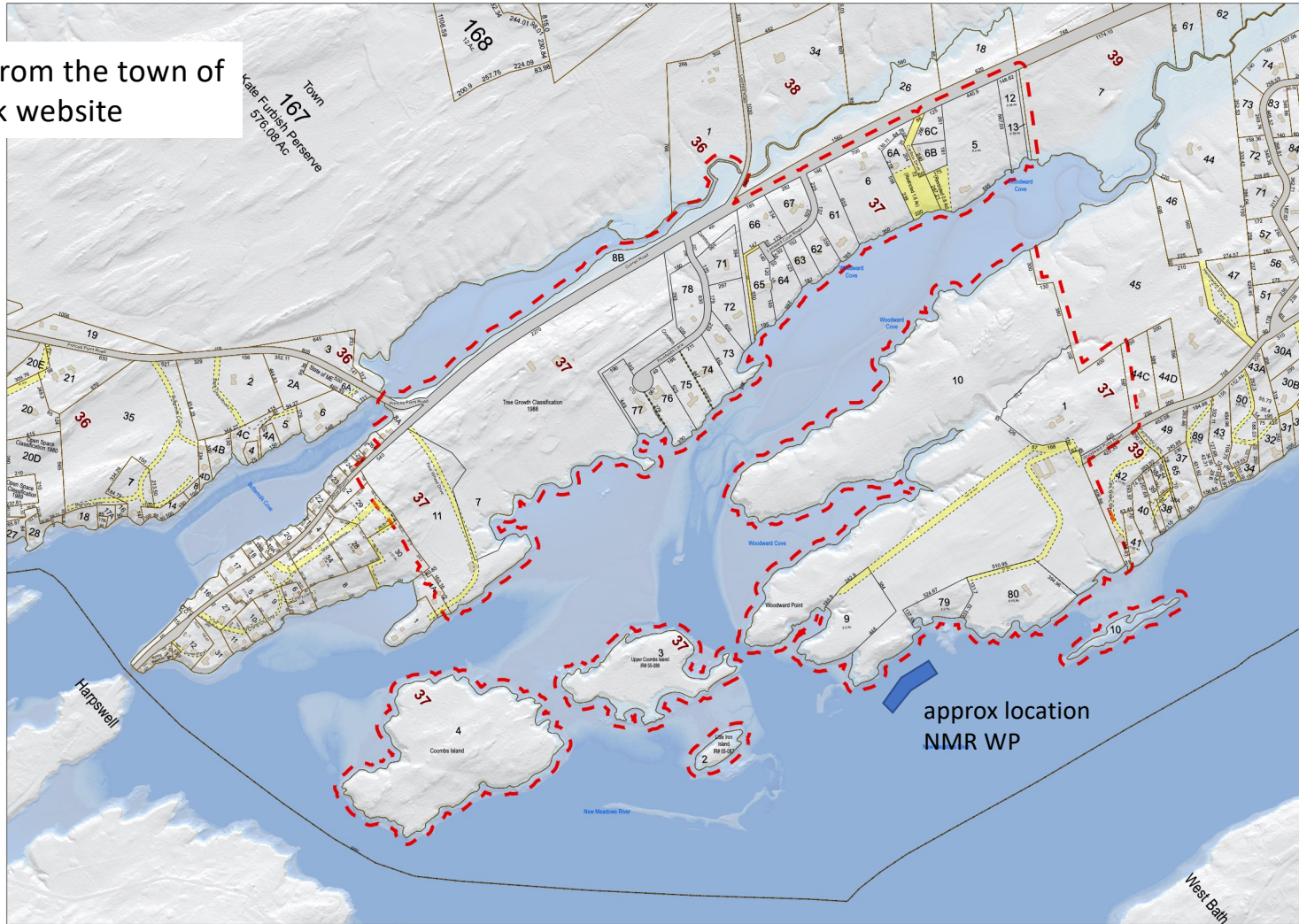
Dock 'anchors': these are attached to a 2" pipe, and screwed into the sediment: easy to deploy and to retrieve. Photo on right shows the anchor attached to a pipe, ready for deployment.



Photo showing a two-part pipe: the lower segment is sunk into the mud and drilled to accept a bolt. The bolt goes through both the base and the upper part, which supports the longline. For winter, the upper portion can be removed to avoid ice damage, and the posts can be easily reinstalled in spring.



Tax map from the town of Brunswick website



- Legend**
- Other Road
 - ROW Property Access
 - Town Boundary
 - Other Lot Boundary
 - Parcels Lines
 - Right-Of-Ways
 - Improved Surfaces
 - Parcels, Maplet
 - Road Right-Of-Ways
 - Buildings
 - Parcels to Map

Disclaimer:
The information is provided as a reasonably accurate point of reference, but is not guaranteed and is not to be used for conveyances.
The Town of Brunswick shall not be held responsible for the accuracy or misuse of the data.
Copyright Town of Brunswick.



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Revised To: April 1, 2023

Maps Prepared by:
GIS Administrator,
Town of Brunswick

MAP
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