

EXPERIMENTAL LEASE APPLICATION

1. APPLICANT CONTACT INFORMATION

Applicant	Chebeague Island Oyster Company LLC	
Contact Person	Robert Earnest	
Address	12 Rose Point Road	
City	Chebeague Island	
State, Zip	Maine	
County	Cumberland	
Telephone	207 807 7256	
Email	chebeagueislandoysters@gmail.com	
Payment Type	<input checked="" type="checkbox"/> Check (included)	<input type="checkbox"/> Credit Card

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

2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	Chebeague Island
Waterbody	Casco Bay (Chandlers Cove)
General Description (e.g. south of B Island)	SW corner of Chandlers Cove
Lease Information	
Total acreage (4-acre maximum) and lease term (3-year maximum) requested	2.4ac; 3 year lease requested
Type of culture (check all that apply)	<input type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom) <input type="checkbox"/> Net Pen (finfish)
Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

3. GROWING AREA DESIGNATION

Directions: Information for growing area designations can be found here:
<https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>

Growing Area Designation (e.g. “WL”):	WI
Growing Area Section (e.g. “A1”):	A

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

4. GENERAL LEASE INFORMATION

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

Name of species to be cultivated <i>(include both common and scientific names):</i>	Name and address of the source of seed stock or juveniles	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1. Eastern oyster – Crassostrea Virginica	Mook Sea Farms 321 State Route 129 Walpole, ME 04573	3,000,000 (various ages / size of oyster) – all in vexar bags and traysets, or in traysets.
2.		
3.		
4.		
5.		

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

If you answered “yes” please contact the Bureau of Public Health to discuss your plans at the following email: DMRPublicHealthDiv@maine.gov

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

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’. **See 5. Vicinity Map p. 20**

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’.

See 6.a. Boundary Drawing p. 21

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

- Coordinate Description
Provide geographic coordinates for each corner of the lease site in latitude and longitude as accurately as possible (e.g., to the nearest second or fraction of a second). Identify the datum from the map, chart, or GPS unit used to develop these coordinates. The datum will be shown on the map or chart you are using. The Coordinate Description may be provided separately from the Boundary Drawing.
See 6.b. Coordinate Description p. 22

7. RESEARCH PROGRAM AND OPERATIONS

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

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

Please note:

a) Product grown on experimental leases for scientific research cannot be sold. Results of scientific research are 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.

The proposed lease is for overwintering only; the purpose of the study is to determine viability of overwintering storage at these depths in this location. Gear and oysters will be present no earlier than October 1 and no later than May 15 annually.

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

The oysters *crassostrea Virginica* will be in vexar bags in bottom traysets (or loose in bottom traysets for larger oysters). The traysets have 5" tall feet and the oysters are therefore suspended over the bottom, 2 or 3 trays deep per trayset. Between Oct 1 and Nov 15 we will move traysets from our intertidal site at Little Chebeague to this new proposed lease; between April 1 thru May 15 we will move them back to the summer lease. Therefore, this lease will be vacated from the middle of May thru the end of September.

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

We will set traysets on this lease in October or early November. Some harvesting may occur over the winter. We will move them back to the summer lease in April and early May.

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

During the time that we're moving traysets to, or from, this site, we estimate 3 – 7 days per week (weather dependent); and 2 – 6 hours per day. Any occasional winter harvesting will occur 1-2 days per week for 2-4 hours per day.

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

None.

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

Setting, and picking up, the traysets will utilize our 22' pontoon boat with crane. No tumbling nor other processing will occur at this site. The traysets are raised straight up – no dragging – and are set down gently to insure that they land right side up.

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.

Off season for this site is late spring / summer / early fall. From May 15 thru October 1 there will be only the 10 corner & end buoys and the 10 helical anchors on bottom. All other gear, including longlines, will be removed in this time frame.

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?

None. Only the pontoon boat with small crane, and only 10/1 thru 5/15.

J. Please provide details on any predator control techniques you plan to employ.

Properly secured vexars and traysets.

K. Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. In order to comply with the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), DMR is requiring that applications for the suspended culture of shellfish include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds at the proposed site. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Submerging suspended gear and associated product at a depth sufficient to deter roosting for two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- The site is proposed for the culture of seed only
- The site is proposed for the culture of adductor-only scallops (i.e. no other shellfish species would be grown on the site)
- Proposed gear would always be suspended below the surface of the water at a depth sufficient to deter roosting (i.e. as is common for scallop lantern nets)

Since our traysets sit on the bottom, and are never exposed above the surface, no pollution impact from birds will occur. ***Depths are 6-18' at low water and 16-28' at high water. The trays are 18.5" tall; therefore, the gear is submerged, at top of gear, a minimum of over 4' and a maximum of 26'.***

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.

<p>A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year c) frequency, and d) proximity to the lease site for each existing use.</p>
<p>1. Commercial Fishing</p> <p>Lobstering occurs in this area in the summer months; it appears to be a lightly used area, compared to much of the rest of Casco Bay. Little if any lobstering or other commercial fishing occurs in this area during the months of proposed.</p>
<p>2. Recreational Fishing</p> <p>We've observed recreational fishing over 1,500' to the west and 500' to the northeast of this location, but have observed no recreational fishing in the proposed area.</p>
<p>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)</p> <p>The Casco Bay Lines ferry passes 1,200 feet to the east of this site as it approaches Chandlers Pier, year-round. In the summer, infrequent pleasure boats might pass from seasonal moorings in the Cove heading south towards the inner bay, but no closer than 300' observed.</p>
<p>4. Ingress and egress (i.e. coming and going) of shorefront property owners within 1,000 feet of the proposal (e.g. docks, moorings, landing boats on shore, etc.)</p> <p>There are no shore landings nor piers within 1,000 feet. There are several moorings within 1,000 feet – the closest is over 300' away. All of the riparian landowners' homes sit up on a high bluff.</p>
<p>5. Other uses (kayaking, swimming, etc.)</p> <p>None observed</p>

<p>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.</p>
<p>There is a mooring field in Chandlers Cove; the closest mooring is over 300' away. The furthest is ~1,000' away.</p>

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.

None.

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

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

JPUT216 is ~130' away. We've spoken with Jeff, he has no objection to our proposed lease. WHIS213 and WHIS416 are ~350'; David Whiston is part of our company and does not object.

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.

Summer lease (standard) CASNLC. Oysters on bottom in cages in intertidal zone. Float moored nearby for tumbling. WHIS112 summer site on bottom in Chandlers. WHIS213 and 416 overwintering on bottom in Chandlers. REAR117 overwintering float in Chandlers for winter shipping access. REAR217 floating upweller, summer only, at Boatyard on Chebeague. CASNLC3x current overwintering site off Little Chebeague.

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.

If this experimental lease is granted, and is successful, we would apply for a standard lease in this location. If that was granted we would relinquish WHIS213 and WHIS416.

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.

Lobstering does not occur during the proposed months of use; nor does recreational boating in this area. We do not, therefore, request exclusive use relative to these activities. We do plan to sink the long lines and down lines when in use (in the winter) so that they are always at least 5' below the surface when the site is in use.

We would, however, request that any summer moorings in this area (*ie within the lease boundaries*) be removed during the period of use of this lease. *Note that we have not (yet) observed any summer moorings within the area of the lease boundaries.*

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?

6-18'

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

16-28'

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

1 knot, running south at ebb and north at flow.

<p>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.</p>
<p>1. What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?</p>
<p>Sand & mud.</p>
<p>2. Describe the bottom topography (flat, steep rough, etc.).</p>
<p>Fairly flat, but sloping to the southeast.</p>
<p>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?</p>
<p>According to the definition of marine organisms, I would include the following as common: barnacles, periwinkles, whelks, rock crabs, green crabs, beach flea, lobster (in summer), and sand dollar. We've also observed: European oysters (common); lobsters (common in summer); occasional mackerel, striper, menhaden, and other seasonal species (common in summer).</p>

<p>4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</p>
<p>None observed.</p>
<p>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.</p>
<p>Multiple observations on clear/flat days in August and September suggest no eelgrass in this area. We also used a GoPro to film the bottom and found no areas of eelgrass. We've located this lease outside of eelgrass as surveyed by Maine DEP 2018, while staying as close to shore / out of the way (of lobstering and navigation) as possible.</p>
<p>6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)</p>
<p>Steep rocky / wooded bluff above the shoreline, summer residences above. None of the residences access the water from their property.</p>

<p>E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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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.

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

Yes No

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

12. STRUCTURES *(if applicable)*

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

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

A) Overhead View (please label this "Overhead View"):

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

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

See 12a Overhead View page 23

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

See 12b Cross Section View page 24

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

C) Gear Description

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

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
Vexar bag see attachment 12D1	4" x 18" x 34"	Winter	3,450	c. Virginica
Suspended bottom traysets; attachments 12D2 & 12D3	4' x 3' x 18.5"	Winter	575	c. Virginica
150# pyramid anchors	Pyramid is 12"x12"x8"; stem 18" long, 5/8" diameter	Year round	10	c. Virginica
3/8" everson 3-strand downlines	3/8" diameter x 8' long to 30' long, based on depth	Year round	10	c. Virginica
3/8" everson 3-strand longlines	3/8" diameter x 700' long	Winter	5	c. Virginica
GoDeep buoys	8" x 22"	Year round	10	c. Virginica

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.).

See attachments 12D1, 12D2, & 12D3, pages 25, 26, & 27; and 12D4, page 37

13. MARKING

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? In part, this requires marker buoys which clearly display the lease ID and the words SEA FARM to be located at each corner of the lease. Effective January 1, 2023, marker buoys must be yellow and host reflective material.

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.

14. RIPARIAN LANDOWNERS AND SITE ACCESS

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

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

See Tax Map: Town of Chebeague Island page 28

2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000ft of the proposed lease site. Have the tax collector or clerk of the municipality certify the list. Refer to the riparian determination guidance document to ensure all riparian landowners are included:
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>

Note: When the application and riparian list are both ready to be submitted, you may choose to email a copy of the riparian list and proposed lease coordinates to DMRAquaculture@maine.gov for staff to verify that all required parcels are included on the list *before* having it certified by the municipality. DMR will not verify a riparian list multiple times, so please ensure there will be no additional changes to the application before emailing the riparian list for verification.

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 keep a work boat moored in Chandlers Cove. *We access the work boat with a dinghy tied to a public dinghy float at Chandlers Pier. We infrequently use a public landing at Bennetts Cove to launch / haul the work boat.*



JANET T. MILLS
GOVERNOR

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

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: Chebeague Island

MAP #	LOT #	Landowner name(s) and address(es)
I05	017	Susan Stavropoulos, 2 Indian Point Rd, Chebeague Island, ME 04017
I05	020	Robert Raymond, 3559 Livingston Rd, Central Point, OR 97502
I05	022	David Hulburt, 8 Proctor Rd, Woods Hole, MA 02453
I05	024	Janet Moller, PO Box 120, North Falmouth, MA 02556
I05	025	Susan Shattuck, 73 North Rd, Bath, ME 04530
I01	002	Mayo Shattuck, 190 Bears Club Dr, Jupiter, FL 33477
I01	004	Toby Webb, 48 Ridge Rd, Portland, ME 04103
I01	005	Jim Lunt, 54 Chestnut Ln, Yarmouth, ME04096
I01	007	George Hayden, 103 Westbrook Rd, Pittsford, NY 14534
I01	008	Robert Habig & Katharine Howell, 79 Cottage Rd, Chebeague Island, ME 04017
I01	011 & 011A	Marilyn Butters, 85 Cottage Rd, Chebeague Island, ME 04017

P. 15 a.

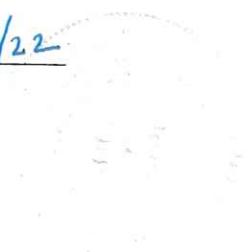
MAP #	LOT #	Landowner name(s) and address(es)
I01	012	Gary & Linda Oderda, 1235 Wolf Hollow Ln #414, Salt Lake City, UT 84117
I01	013	Andrew Todd, 103 Cottage Rd, Chebeague Island, ME 04017
I01	014	Mary Makee, 107 Cottage Rd, Chebeague Island, ME 04017
I01	014A	Anne Gallagher, 201 W. Evergreen Av #310, Philadelphia, PA 19118
I01	016A	Bill Belvin, 26 Durgin Ln, Amherst, NH 03031
I01	018	Town of Chebeague Island, PO Box 22, Chebeague Island, ME 04017

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Christine A. Auffant, Town Clerk for the Town of Chebeague Island, 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: Christine A. Auffant DATE: 11/9/22



P. 15 b.

Applicant Signature

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

JA

Date

16. APPLICANT SIGNATURE PAGE

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

Printed name: ROBERT FDRNEST

Title (if corporate applicant): MEMBER / MANAGER

Signature: *[Handwritten Signature]* Date: 1/18/23

(edit of 11/16/22 per DMR request)

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

Note:

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

17. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS (if applicable)

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

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

Not applicable.

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

Not applicable.

Step I: Obtain written permission from all intertidal landowners.

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

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

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

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

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

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

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

APPLICATION SUBMISSION CHECKLIST

Please note: This checklist is provided for the applicant's reference and does not need to be returned with the application.

I. Content

- ^{UTSD - POTD} ~~Check~~ for non-refundable application fee (\$100.00), payable to *Treasurer State of Maine*.
- One (1) Vicinity map with required items shown
- One (1) Boundary drawing with required items shown
- One (1) Overhead view depicting layout of gear from overhead
- One (1) Cross section view depicting gear & moorings from the side
- Tax map
- Riparian list, certified (*if applicable*)
- NA Written permission from riparian landowners, if their property will be used to access the site (*if applicable*).
- Corporate applicant information document and articles of incorporation or documentation of partnership (*if applicable*)

If the proposed lease site is above mean low water:

NP Written permission from all riparian landowners of the intertidal land on which the lease is proposed.

If the proposed lease site is above mean low water and the municipality has a shellfish conservation program:

NP Written permission from all riparian landowners of the intertidal land on which the lease is proposed; and

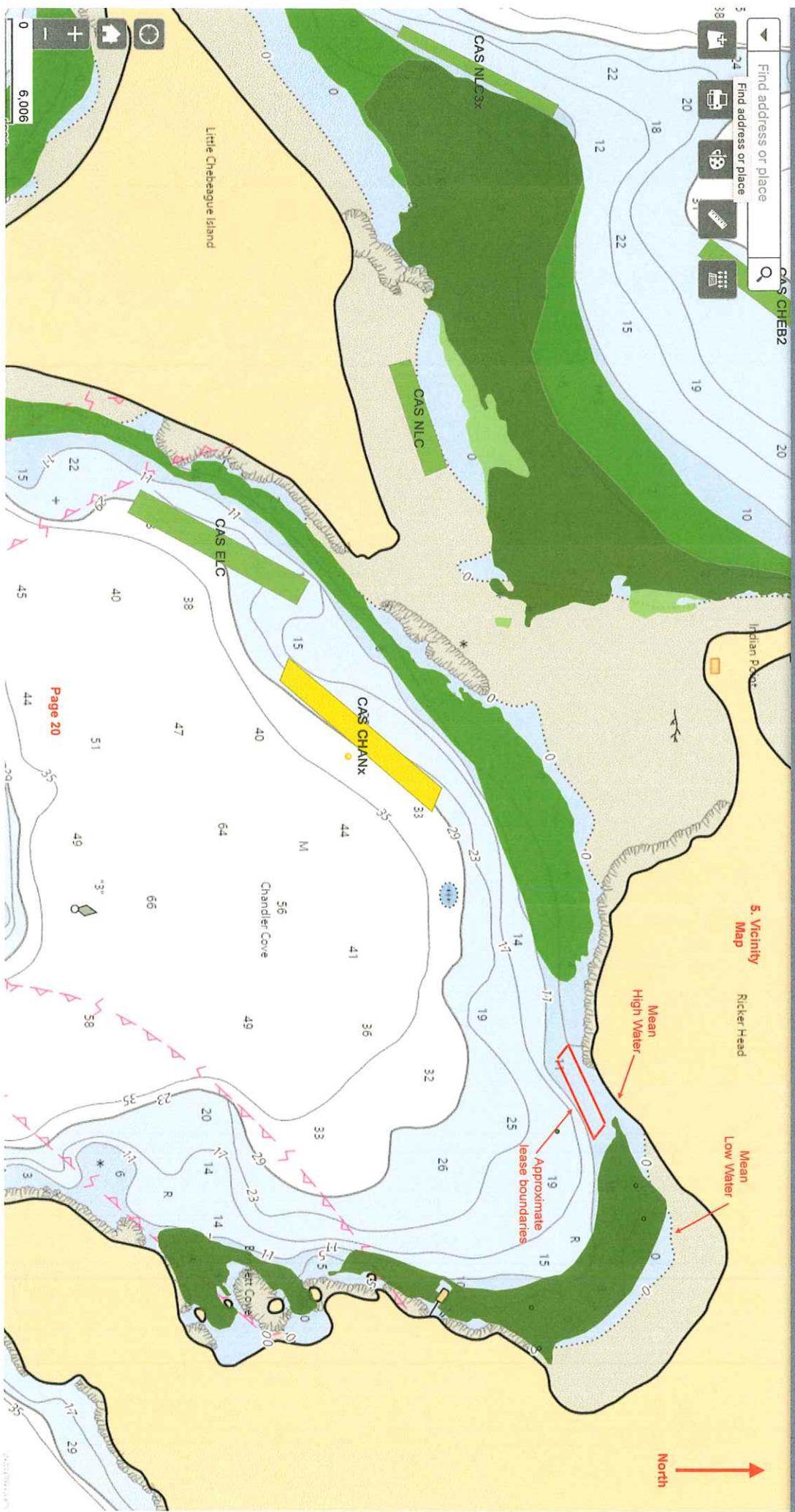
NP Consent from the municipal officers.

II. Formatting

- All pages (including attachments) are numbered sequentially
- All attachments are clearly labeled and legible
- Drawings and maps are legible, labeled properly, and include all required elements
- All questions have been answered and signature pages signed

[Click here for aquaculture info from DMR's website](#)

Find address or place
Find address or place
Find address or place
Find address or place
Find address or place

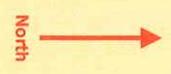


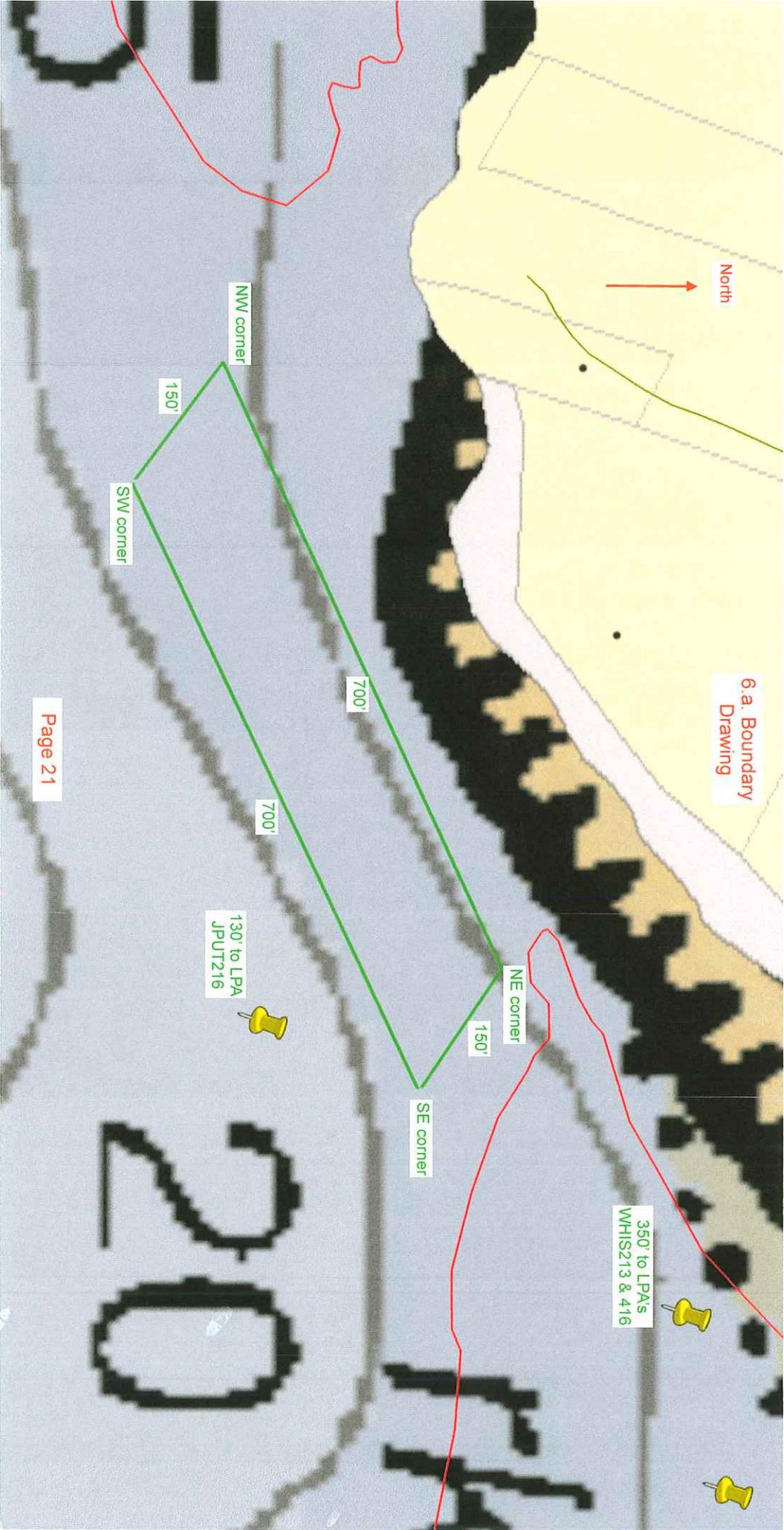
5. Vicinity Map

Ricker Head

Mean High Water

Mean Low Water





6.a. Boundary Drawing

NW corner

150'

SW corner

700'

700'

NE corner

150'

SE corner

130' to LPA
JPUT216

350' to LPAS
WHIS213 & 416

North

20

6.b. Coordinates Description

NE Corner:

Latitude: 43.718710°

Longitude: -70.130121°

SE Corner:

Latitude: 43.718474°

Longitude: -70.129640°

SW Corner:

Latitude: 43.717641°

Longitude: -70.132032°

NW Corner:

Latitude: 43.717922°

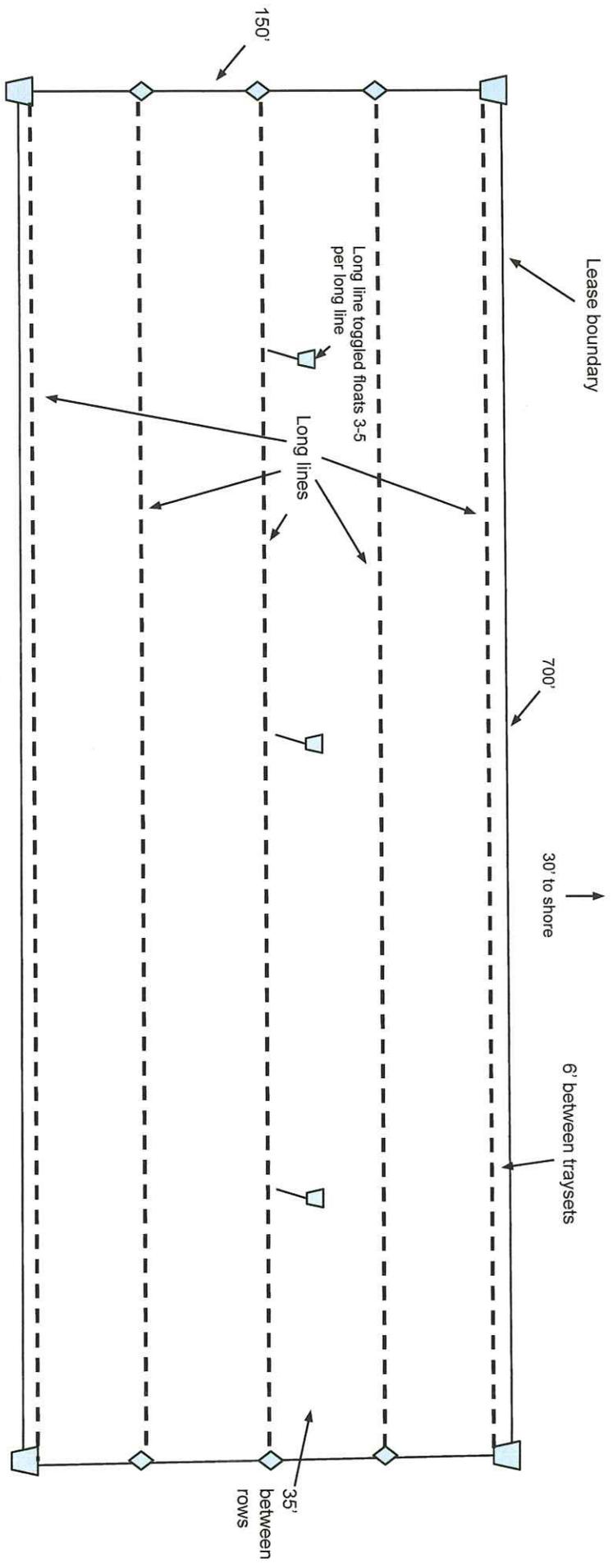
Longitude: -70.132506°

Datum: WGS84 (Google Earth Pro)



12A Overhead View

All gear (except 4 corner buoys and (up to) 6 inner line end buoys) to be removed every spring.

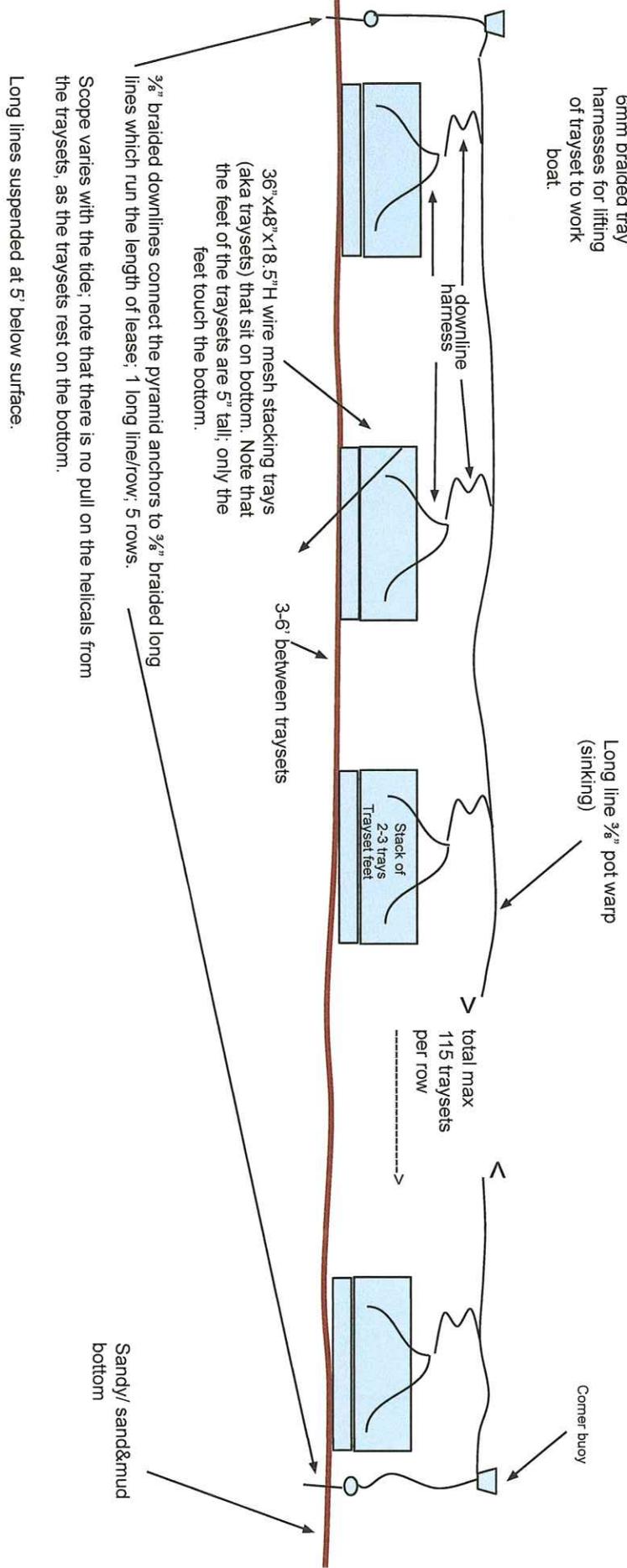


- ◊ = inner line end buoy
- ▤ = corner buoy (lease markers)

Layout:
 Up to 5 rows (longlines) of traysets; maximum of 115 traysets each line
 6' between each trayset (horizontally on this drawing)
 Minimum 35' between each longline (vertically on this drawing)
 Each longline has a pyramid anchor and downline at each end.
 3-5 Go-Deep or similar floats to be toggled to each sinking long line, to keep them suspended at 6' below surface.

12B. Cross Section View (looking at length of lease)

8mm braided downlines are tied to long lines and to 6mm braided tray harnesses for lifting of trayset to work boat.



36"x48"x18.5"H wire mesh stacking trays (aka traysets) that sit on bottom. Note that the feet of the traysets are 5" tall; only the feet touch the bottom.

3/8" braided downlines connect the pyramid anchors to 3/8" braided long lines which run the length of lease; 1 long line/row; 5 rows.

Scope varies with the tide; note that there is no pull on the helicals from the traysets, as the traysets rest on the bottom.

Long lines suspended at 5' below surface.

Traysets are stationary by gravity; not moved by tide nor wave action.

Vecar bags in the traysets are plastic mesh with hole openings of 4mm, 9mm, 14mm, or 18mm.

Long line 3/8" pot warp (sinking)

total max 115 traysets per row

Corner buoy

Sandy/sand&mud bottom

Traysets sit on bottom in water that is 6-18' deep at mean low tide; 16-28' deep at mean high tide.

Total length of lease = 700' (not to scale)

12D1 Single Structure Schematic of Vexar Bag



Vexar bags: polyethylene mesh oyster grow bags; we use them in mesh sizes of 4mm, 9mm, and 14mm. One end is sealed, the other has a bungee cord closure.

Detail: 9mm vexar bag

all vexars are 4" x 18" x 34"



coated trap wire;
poly harness lines;
bunjee cord
& trap wire top clips

12D2 single structure schematic top
view

3' wide

4' long

Definitions:

- Definitions:
- Bag: Vexar bag (see drawing 12D1)
- Tray: a single tray has two 'slots' - each slot can contain a vexar bag)
- Trayset: a stack of up to 3 single trays; one with feet, up to two without feet, plus a lid
- Maximum # traysets on this proposed lease: 575
- Maximum # bags on this proposed lease: 3,450

coated trap wire;
poly harness lines;
bunjee cord
& trap wire top clips

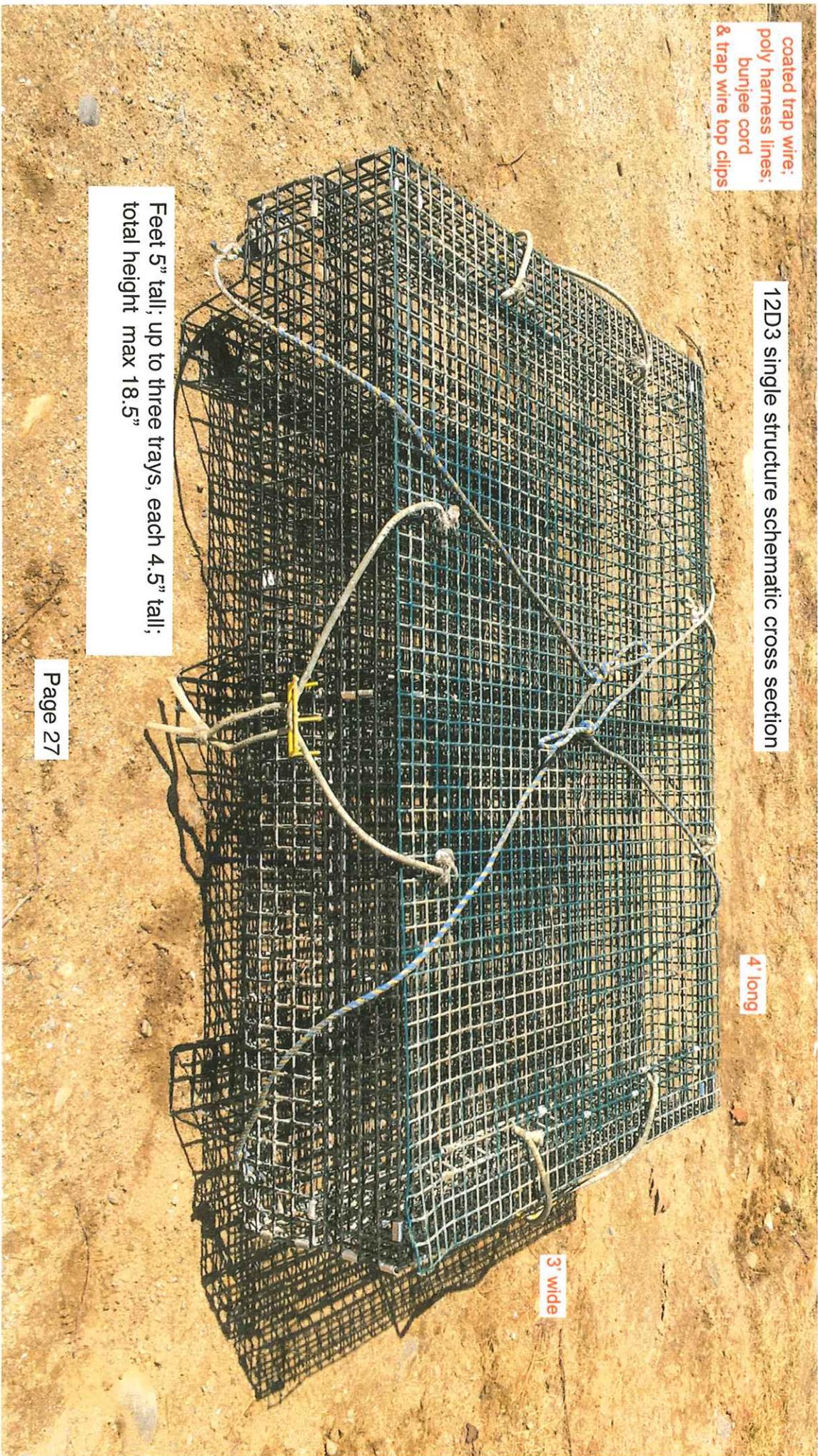
12D3 single structure schematic cross section

4' long

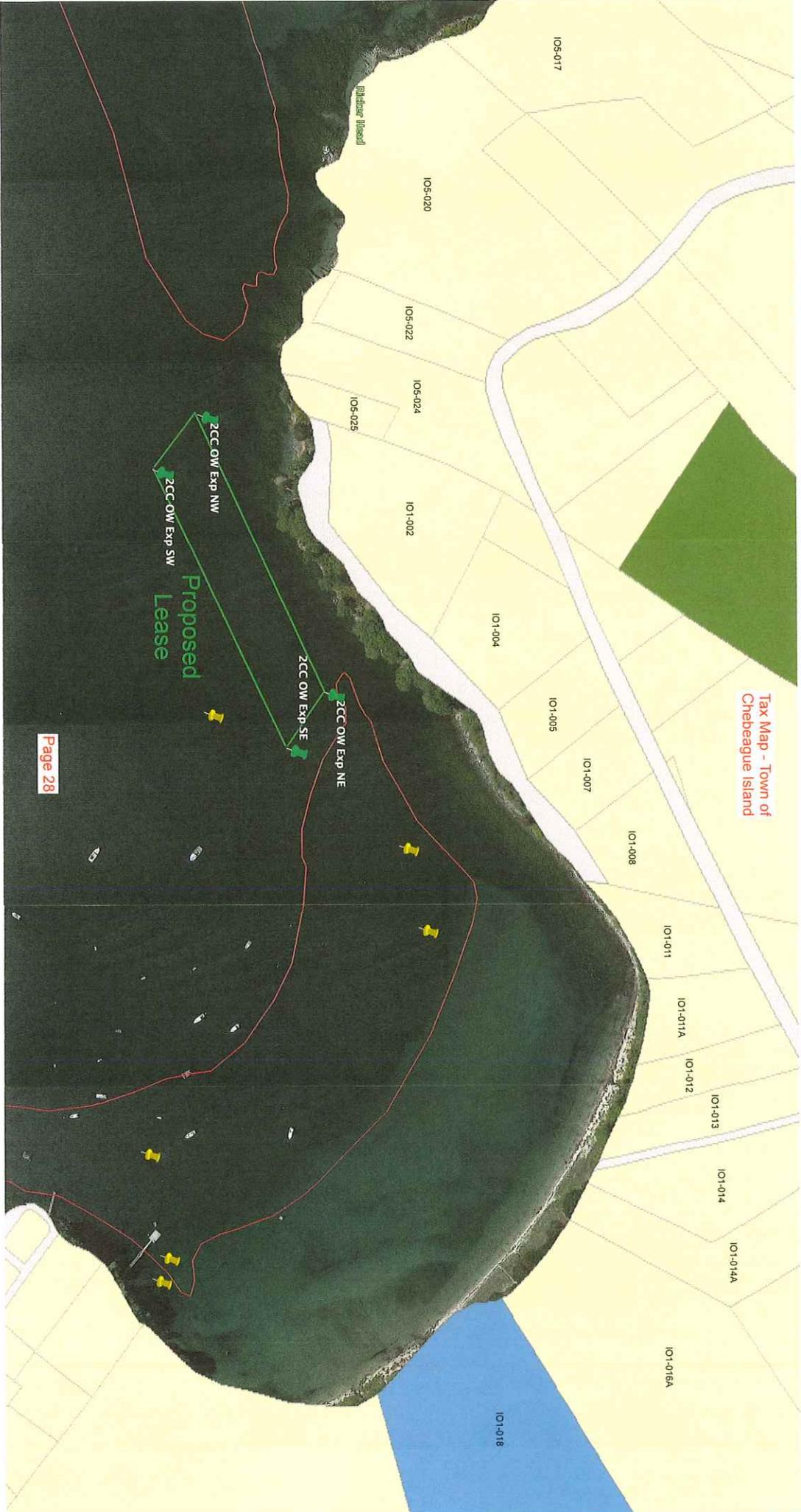
3' wide

Feet 5" tall; up to three trays, each 4.5" tall;
total height max 18.5"

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Tax Map - Town of
Chebeague Island





MAINE DEPARTMENT OF MARINE RESOURCES

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

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

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

A. Corporate Applicant

Note: You must attach a copy of the Articles of Incorporation (Inc.) or Certificate of Formation (LLC) to your application. **See page 33-35**

1. Name of Corporation: **Chebeague Island Oyster Company LLC**

2. Date of incorporation: **11/24/2014** State of incorporation: **Maine**

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

Name	Address	Title
Robert Earnest	12 Rose Point Rd, Chebeague Island, Maine 04017	Member/Manager
David Whiston	135 Sheridan St, Portland, ME 04101	Member
Henry Whetham & Caitlin Gerber	329 North Road, Chebeague Island, Maine 04017	Member

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

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

Name	Address
Same as above item 3.	

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

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

If you selected “yes,” please indicate who applied for the lease and the status of the application or lease. **See page 36; all LPA’s and leases are listed there.**

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

Name	Address	Percentage of Owned Stock
Robert Earnest	12 Rose Point Rd, Chebeague Island, Maine 04017	1/3
David Whiston	135 Sheridan St, Portland, ME 04101	1/3
Henry Whetham & Caitlin Gerber	329 North Rd, Chebeague Island, Maine 04017	1/3

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

7. List the names and addresses of stockholders, directors, or officers owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person based on the percentage of owned stock listed in question 6. If none, write, “None.”

Name	Address	Lease Acronym	Acreage
Robert Earnest	12 Rose Point Rd, Chebeague Island, Maine 04017	CAS NLC	.6
		CASNLC3x	.6
David Whiston	135 Sheridan St, Portland, Maine 04101	CAS NLC	.6
		CASNLC3x	.6
Henry Whetham & Caitlin Gerber	329 North Rd, Chebeague Island, Maine 04017	CAS NLC	.6
		CASNLC3x	.6

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

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

Yes No

If you selected "yes", please provide details.

B. Partnership Applicant

Note: You must attach a copy of either the Certificate of Limited Partnership or documentation of the formation of a General Partnership to your application.

1. Name of Partnership: N/A

2. Date of formation: _____ State of partnership: _____

3. List the names, addresses, and ownership shares of all partners:

Name	Address	Ownership Shares

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

4. Has the partnership, or any partner applied for an aquaculture lease for Maine lands in the past? Yes No

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

5. List the names and addresses of any partner owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person, based on their ownership shares from question 3.

Name	Address	Lease Acronym	Acreage

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

6. Has the partnership or any partner been arrested, indicted or convicted of or adjudicated to be responsible for any violation of marine resources or environmental protection law, whether State or Federal?

Yes No

If you selected "yes", please provide details.

MAINE
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION



Deputy Secretary of State

A True Copy When Attested By Signature


Deputy Secretary of State

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

FIRST: The name of the limited liability company is:
Chebeague Island Oyster Company LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "LLC," "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)

FIFTH: The Registered Agent is a: (select either a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number: _____

(Name of commercial registered agent)

Noncommercial Registered Agent

Robert Earnest

(Name of noncommercial registered agent)

12 Rose Point Road, Chebeague Island, ME 04017

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

(mailing address if different from above)

SIXTH: Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

SEVENTH: Other matters the members determine to include are set forth in the attached Exhibit A, and made a part hereof.

**Authorized person(s)

Dated 11/20/2014

Text



(Signature of authorized person)

Robert Earnest

(Type or print name of authorized person)

(Signature of authorized person)

(Type or print name of authorized person)

*Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list – see 13 MRSA §723.7)

**Pursuant to 31 MRSA §1676.1.A, Certificate of Formation MUST be signed by at least one authorized person.

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

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

Submit completed form to:

Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101
Telephone Inquiries: (207) 624-7752

Email Inquiries: CEC.Corporations@Maine.gov

Filer Contact Cover Letter

To: Department of the Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101

Tel. (207) 624-7752

Name of Entity (s):

Chebeague Island Oyster Company LLC

List type of filing(s) enclosed (i.e. Articles of Incorporation, Articles of Merger, Articles of Amendment, Certificate of Correction, etc.) Attach additional pages as needed.

Limited Liability Company Agreement

Special handling request(s): (check all that apply)

- Hold for pick up
 Expedited filing - 24 hour service (\$50 additional filing fee per entity, per service)
 Expedited filing - Immediate service (\$100 additional filing fee per entity, per service)

Total filing fee(s) enclosed: \$ _____

Contact Information – questions regarding the above filing(s), please call or email: (failure to provide a contact name and telephone number or email address will result in the return of the erroneous filing (s) by the Secretary of State's office)

Robert Earnest

207.807.7256

(Name of contact person)

(Daytime telephone number)

bob963@me.com

(Email address)

The enclosed filing(s) and fee(s) are submitted for filing. Please return the attested copy to the following address:

Robert Earnest

(Name of attested recipient)

Chebeague Island Oyster Company LLC

(Firm or Company)

12 Rose Point Road

(Mailing Address)

Chebeague Island, ME 04017

(City, State & Zip)

**Current List of Leases and LPA's held by Chebeague Island Oyster Company LLC
and its Members:**

Lease #	Type:	Location:	Applicant:
WHIS112	LPA	DW dock	David Whiston
WHIS213	LPA	1st Chandlers	David Whiston
WHIS416	LPA	2nd Chandlers	David Whiston
REAR117	LPA	Overwintering float	Robert Earnest
REAR217	LPA	CIBY	Robert Earnest
CASNLC2X	Experimental	LC offshore OW	Robert Earnest/CIO
CASNLC	Standard	LC	Robert Earnest/CIO

Current List of Leases Applied for:

CIO Member: Caitlin Gerber

Lease Description: Experimental Lease for Marine Algae

Status as of 11/16/2022: Received, Deemed Complete, as of August 22, 2022 (per <https://www.maine.gov/dmr/aquaculture/maine-aquaculture-leases-and-lpas/pending-lease-applications> website as of 11/16/2022)

12D4 Gear Drawings

8" x 22" GoDeep buoy



150# pyramid anchor



3/8" 3-strand downline
and longline

