

## EXPERIMENTAL LEASE APPLICATION

### 1. APPLICANT CONTACT INFORMATION

Applicant	Keith Miller, Mike Hyvarinen, Richard Philbrook	
Contact Person	Keith Miller	
Address	11 Eagle Quarry Road	
City	Spruce Head	
State, Zip	Maine, 04859	
County	Knox	
Telephone	(207) 681-9308	
Email	richphilly22@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	St. George
Waterbody	Penobscot Bay
General Description (e.g. south of B Island)	Northwest of Seavey Ledges
Lease Information	
Total acreage (4-acre maximum) and lease term (3-year maximum) requested	3.99 acres, 3 years
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"):	WV
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 your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

### 4. GENERAL LEASE INFORMATION

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

<b>Name of species to be cultivated</b> <i>(include both common and scientific names):</i>	<b>Name and address of the source of seed stock or juveniles</b>	<b>Maximum number (or biomass) of organisms you anticipate on the site at any given time</b>
1. Sugar Kelp <i>(Saccharina latissima)</i>	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)
2. Skinny Kelp <i>(Saccharina angustissima)</i>	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)
3. Winged Kelp ( <i>Alaria esculenta</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)
4. Horsetail Kelp <i>(Laminaria digitata)</i>	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)
5. Shotgun Kelp <i>(Agarum clathratum)</i>	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)
6. Irish Moss ( <i>Chondrus crispus</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)
7. Dulse ( <i>Palmaria palmata</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)

8. Laver ( <i>Prophyra</i> spp.)	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)
9. <i>Gracilaria tikvahiae</i>	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)
10. Sea Lettuce ( <i>Ulva lactuca</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	10,000 ft seed (combined)

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

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

**Note:** If you are proposing to grow molluscan shellfish, this application also serves as your written operational plan as required in the National Shellfish Sanitation Program (NSSP) Model Ordinance Chapter 2, and must be maintained in your files. If you wish to submit an operational plan separate from this application, please contact: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

## 5. VICINITY MAP

**Note:** You may embed the maps within the document, or attach the maps to the end of your application. If you attach the maps, please label them according to the instructions provided below. If you attach the map, please label it: 'Vicinity Map'.

**Directions:** Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the proposed lease site.

The map needs to display the following:

- The waters, shore lands, and lines of mean high and mean low water within the general area of the lease
- An arrow indicating true north
- A scalebar
- The approximate lease boundaries .

## 6. BOUNDARY DRAWING

**Note:** If you attach a drawing, please label it 'Boundary Drawing'.

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

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

## 7. RESEARCH PROGRAM AND OPERATIONS

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

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

*Please note:*

*a) 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 purpose of this study is to test the viability of a commercial seaweed operation at the proposed site.

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

Seaweed species, based on availability, will be seeded onto 1,000 ft longlines, spaced approximately 18 ft apart and 7 ft below the sea surface (using depth control devices to maintain a proper buoyancy) between mid-October and the end of December. Seaweed will grow on longlines until harvest, approximately mid-April to mid-June. After harvest all longlines and depth control devices will be removed from the site and stored on my property until the following season.

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

Kelp seeding will take place no earlier than October 1st and be completed by December 31st (depending on seed availability). In the future, red and green seaweed species will be deployed in between January and March. Longlines will be monitored and tended to from seeding until harvest, approximately mid-December to mid-April. Harvesting typically occurs between April and June. All species, current kelp and future reds and greens, will be harvested to completion between April and June.

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

Kelp seeding will take roughly one week to complete. In the future, red and green seaweed could take 2-3 days to seed. I will be at the kelp farm on favorable weather days during the harvest season depending on market demand. I estimate it could take 7-10 working days to harvest, depending on weather and biomass.

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

Longlines will be monitored at a minimum of every two weeks and after any significant storm during the growing season. In the spring, (March & April) additional time at the site is needed to monitor for fouling and to add counterweights to the culture lines, as needed.  
In March & April at the site 2-3 times a month.

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

Harvesting will be done using my lobster boat. Longlines will be hauled using a winch mounted on deck and through a block hanging off a secured boom. Kelp will be cut by hand from the longline. Once the kelp is cut from the line it will be transferred by hand into harvest bags on the deck of the boat and then offloaded at the dock later that day.

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.

Moorings, mooring buoys and associated tackle, and required lease markers will remain on the site year round. All culture lines and depth control buoys will be removed from the farm site once the kelp is cut from the line at harvest. The culture lines, crosslines, and depth control buoys will be brought to shore and stored for next season on my property.

**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?

A winch mounted on the deck of my lobster boat will be used during harvest season (April-June) to haul culture lines and harvest seaweed.

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

N/A

**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)

N/A

## 8. EXISTING USES

**Directions:** Describe the existing uses of the proposed area. Please include the amount of activity, the time of year the activity occurs, frequency, and proximity to the lease site.

A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year c) frequency, and d) proximity to the lease site for each existing use.
<b>1. Commercial Fishing</b>
Very limited lobstering (30-40 traps) takes place in the proposed area from July - Mid-October. I plan to communicate with local lobstermen to ensure they know when seeded lines will be present on site to avoid any potential usage conflicts in October. No commercial fishing has been observed from November - June.
<b>2. Recreational Fishing</b>
No recreational fishing has been observed on or near the site.
<b>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)</b>
The proposed site is located approximately 620 ft south of Green Bell "3". In the summer five to ten lobster boats a day may transit through or near the site. Recreational boats or sailboats are very rare and may be observed a couple of times during the summer months. Transit on or near the site from November through June is very rare.
<b>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.)</b>
The proposed site is not within 1,000 feet of any landowners, docks, moorings, etc. and is not anticipated to hamper ingress and egress of any users.
<b>5. Other uses (kayaking, swimming, etc.)</b>
I have not observed any recreational activities (kayaking, swimming, etc.) on or near the proposed site.
B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from proposed lease.
No.



C. Are there public beaches, parks, or docking facilities within 1,000 feet of the proposed lease site. If yes, please describe and include approximate distances from proposed lease.
No.

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: <a href="https://www.maine.gov/dmr/aquaculture/leases/index.html">https://www.maine.gov/dmr/aquaculture/leases/index.html</a>
No.

**9. CURRENT OPERATIONS**

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

A. Describe your existing aquaculture operations, including the acronyms of all active leases and/or licenses.
I currently hold three experimental leases: PEN RBx, PEN EIx, and PEN Nix.

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.
PEN RBx (expired 5/31/22), PEN Nix (expires 5/31/23), and PEN EIx (expires 6/19/23) are all in the process of being converted to standard leases. I will continue to operate these leases if I am granted this experimental lease.

## 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.

Exclusive use of the site from October 1-June 15 would be requested. All boats would be asked to transit around the lease area during this time to maintain farm gear and safe navigation for all users.

## 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?

Approx. 21'

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

Approx. 33'

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

The flood and ebb currents runs roughly north and south respectively at a maximum of 1 knot.

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 is composed of gravely mud.	
2.	Describe the bottom topography (flat, steep rough, etc.).
The bottom of the site is flat with shallower regions located outside the lease boundary to the north, east, and west.	
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?
Small American lobster and crabs are common and typically seen in the summer months of July and August. These sightings are based on my observations over my 40+ years of fishing in this area.	

4.	Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.
I am not aware of any shellfish beds or fish migrations routes in the area.	

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.
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Based on coast-wide eelgrass surveys completed by the Maine Department of Marine Resources in 2010 and as displayed in the 'Eelgrass 2010' overlay on the Maine DMR Aquaculture map, the proposed lease is outside of the eelgrass zone. The nearest beds mapped during this study were over 1,000ft from the proposed site. Eelgrass beds are generally observed in shallow waters which allow for adequate light penetration to support photosynthesis. The proposed site is in a water depth between 21ft (MLW) and 33ft (MHW) which is not ideal habitat for eelgrass.

6.	Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)
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There is no shoreline within 1,000 ft of the proposed lease site. The rocky outcroppings of Seavey Ledges can sometimes be observed to the east of the site at low tide.

E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?

Yes  No

**Note:** The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here:

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

**If a project is located within an Essential Habitat**, applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator ([John.Perry@maine.gov](mailto:John.Perry@maine.gov), phone: 207-287-5254) prior to application submission.

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

Yes  No

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

## 12. STRUCTURES *(if applicable)*

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

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

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

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

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

**B) Cross-Section View** (please label this “Cross Section View”):

**Directions:** The cross-section view must show the following:

- The sea bottom
- Profile of gear in cross-section as it will be deployed
- Label gear with dimensions and materials
- Show mooring gear with mooring type, scope, hardware, and line type and size
- Water depth at mean high and mean low water

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

**C) Gear Description**

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

<b>Specific Gear Type</b> <i>(e.g. soft mesh bag)</i>	<b>Dimensions</b> <i>(e.g. 16"x20"x2")</i>	<b>Time of year gear will be deployed</b> <i>(e.g. Spring, Winter, etc.)</i>	<b>Maximum amount of this gear type that will be deployed on the site</b> <i>(i.e. 200 cages, 100 lantern nets, etc.)</i>	<b>Species that will be grown using this gear type</b>
Marine Algae Culture Lines - Poly line	3/8", 1,000' long	October 1st - June 15th	10 lines	Marine algae
Crosslines	3/8", 164' long	October 1st - June 15th	3 lines	Marine algae
Depth Control Buoys - Traditional lobster buoys	7" x 14"	October 1st - June 15th	up to 90 (9 per line)	Marine algae
PVC Pipe (encasing 3/8" poly line) - Structure for depth control device	1/2" x 7' long	October 1st - June 15th	up to 90 (9 per line)	Marine algae
Counterweight - Weight for depth control device	~8-10 lbs	October 1st - June 15th	up to 90 (9 per line)	Marine algae
Mooring Buoys - A3 or A4 polyballs	A3 Polyball - 23" x 17" OR A4 Polyball - 27" x 20.5"	All Year	20	Marine algae
Galvanized Mooring Chains	1/2", 25' long	All year	26	Marine algae

Mooring Lines - 3-strand nylon rope	¾-1" x26' long	All year	26	Marine algae
Moorings - Concrete blocks	~1,000 lbs	All year	26	Marine algae
State-required Lease Markers - Low-drag buoys	24" long, 11.5" wide	All year	6	Marine algae

**D) Gear Drawing** (please label this "Gear Drawing").

**Directions:** Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. The drawing(s) needs to depict the length, width, and height of each gear type with appropriate units referenced (i.e. 10in, 10ft, etc.).

**13. MARKING**

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? 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: 1<sup>st</sup> Coast Guard District, Aids to Navigation Office.

#### 14. RIPARIAN LANDOWNERS AND SITE ACCESS

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

1. A labeled copy of a tax map(s) depicting the location of the proposed lease site and including the following elements:
  - Label the map “Tax Map: Town of (name of town).”
  - Legible scale
  - Tax lot numbers clearly displayed
  - The boundaries of the proposed lease
2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000ft of the proposed lease site. Have the tax collector or clerk of the municipality certify the list. Refer to the riparian determination guidance document to ensure all riparian landowners are included:  
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>

*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](mailto: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?

Access to the proposed lease site will be by boat, leaving from Wheeler’s Bay, Penobscot Bay.

## RIPARIAN LANDOWNER LIST

THIS LIST MUST BE CERTIFIED BY THE TOWN CLERK

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

TOWN OF: \_\_\_\_\_

MAP #	LOT #	Landowner name(s) and address(es)
		None

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

### CERTIFICATION

I, William R. Bally, Jr. <sup>Deputy</sup>, Town Clerk for the Town of St. George certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

SIGNED:  DATE: 2/3/23



**15. ESCROW ACCOUNT OR PERFORMANCE BOND**

Check the category that describes your operation:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
<input type="checkbox"/>	No gear/structure, no discharge	None
<input type="checkbox"/>	No gear/structure, discharge	\$500.00
<input type="checkbox"/>	≤ 400 square feet of gear/structure, no discharge	\$1,500.00
<input checked="" type="checkbox"/>	>400 square feet of gear/structure, no discharge	\$5,000.00*
<input type="checkbox"/>	Gear/Structure, discharge	\$25,000.00

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

I, (printed name of applicant) Keith Miller have read DMR Aquaculture Regulations 2.64(12)(B) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

Keith Miller  
**Applicant Signature**

2/8/23  
**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) Michael Hyvarinen have read DMR Aquaculture Regulations 2.64(10)(D) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

Michael Hyvarinen  
**Applicant Signature**

2/8/23  
**Date**

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

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

Richard Philbrook  
**Applicant Signature**

2/8/23  
**Date**

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

**16. APPLICANT SIGNATURE PAGE**

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

Printed name: Keith Miller

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

Signature: [Signature] Date: 2/8/23

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.

Printed name: Michael Hyvarinen

Signature: [Signature] Date: 2/8/23

Printed name: Richard Philbrook

Signature: [Signature] Date: 2/8/23

## 17. LANDOWNER/MUNICIPAL PERMISSION REQUIREMENTS *(if applicable)*

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

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

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

#### **Step I: Obtain written permission from all intertidal landowners.**

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

#### **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.

Figure 1. Section 5 - Vicinity Map

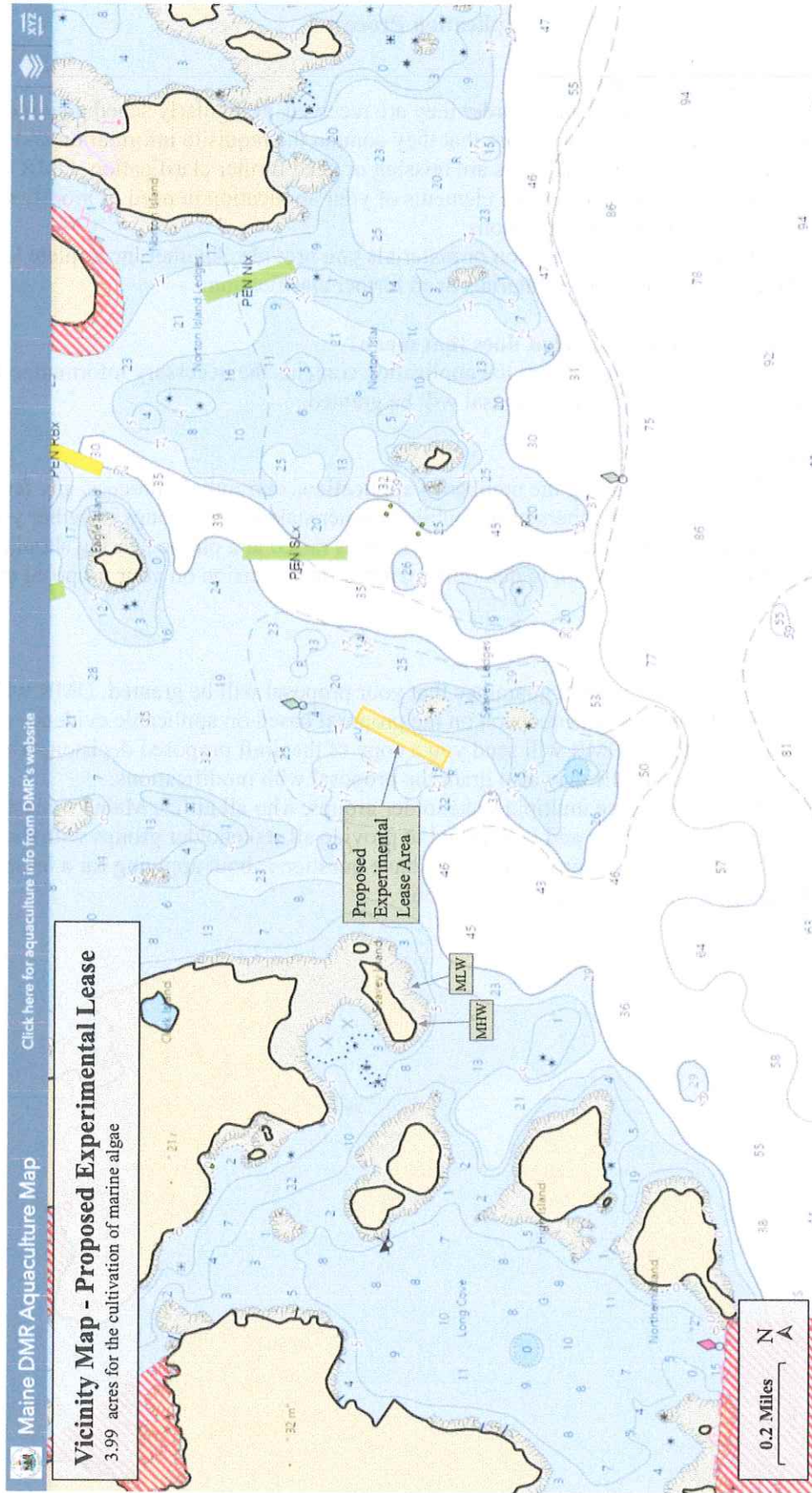
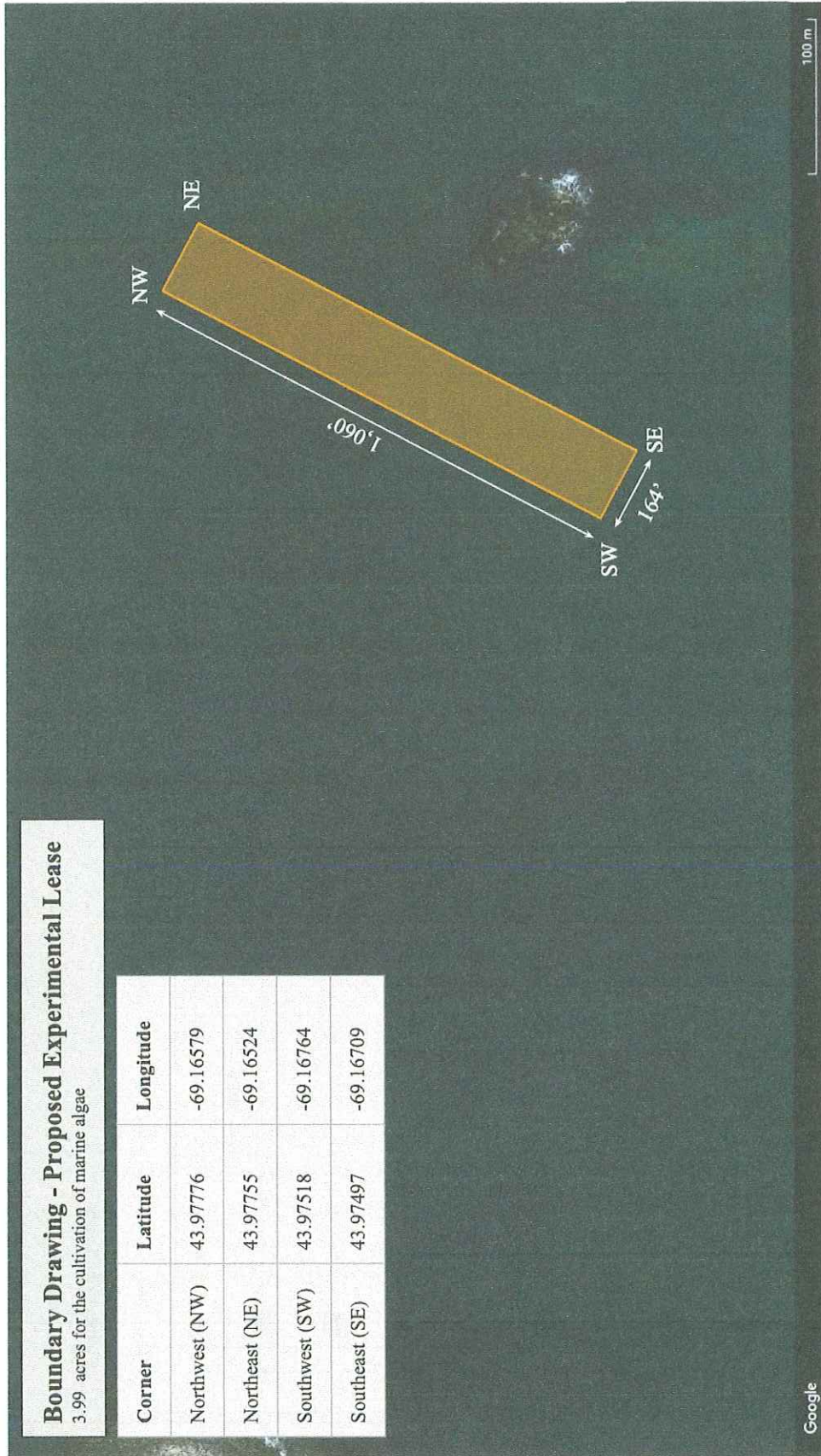


Figure 2. Section 6 - Boundary Drawing



Datum Coordinates: WGS 1984

Figure 3. Section 12A - Overhead View during Growing Season (October 1 - June 15)

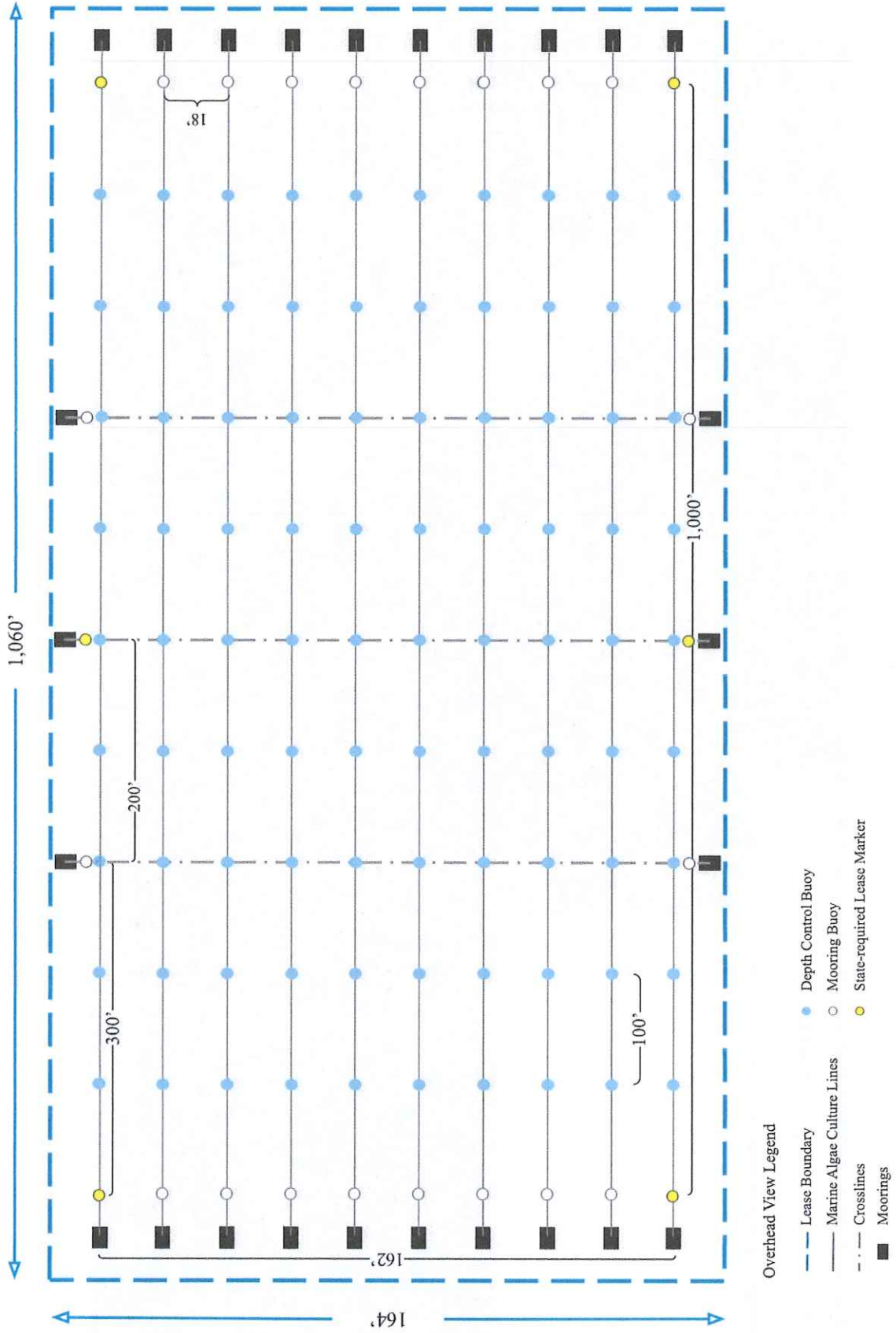


Figure 4. Section 12A - Overhead View during the Off-Season (June 16 - September 30)

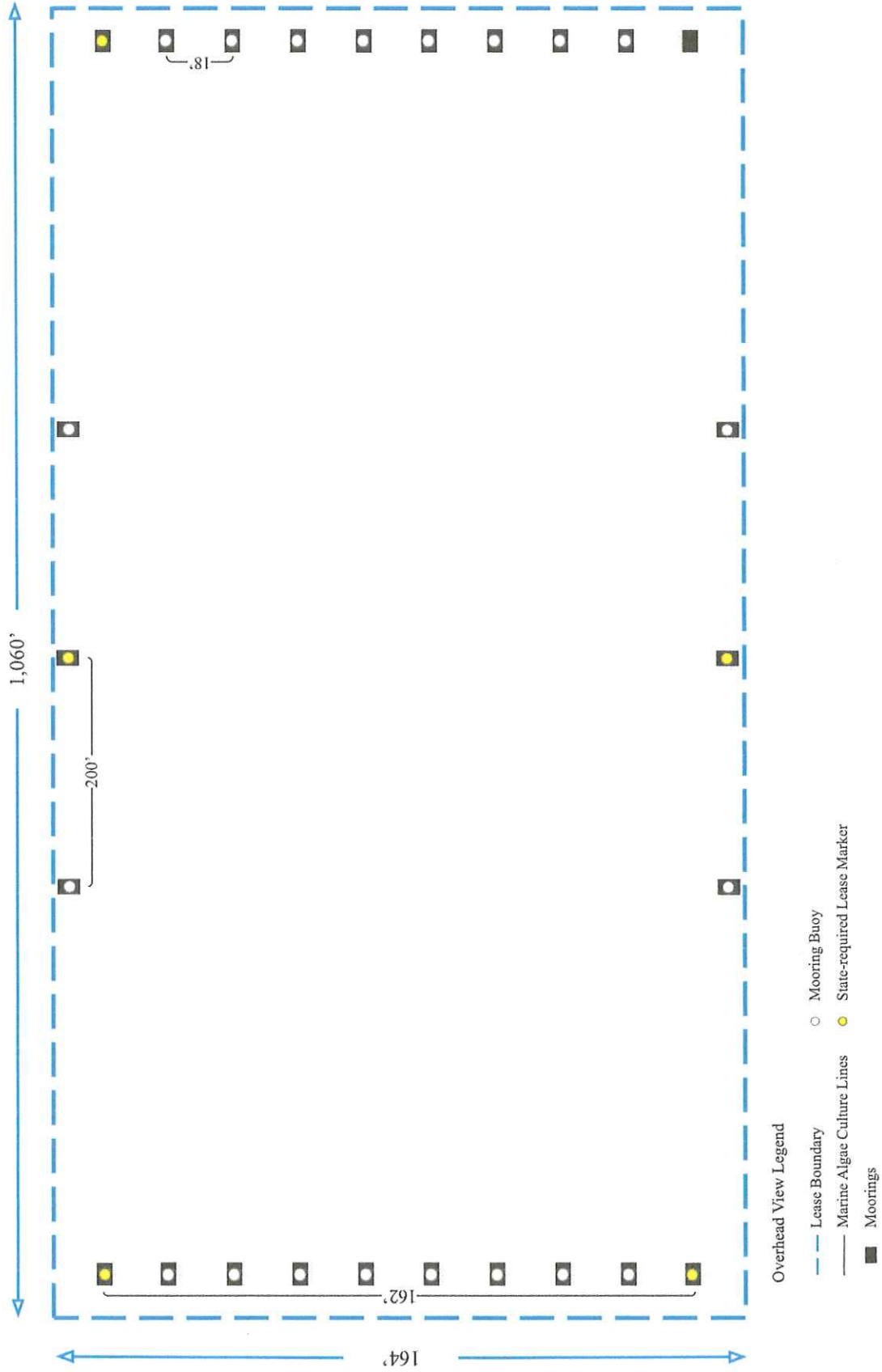


Figure 5. Section 12B - Cross-Section View during Growing Season (October 1 - June 15)

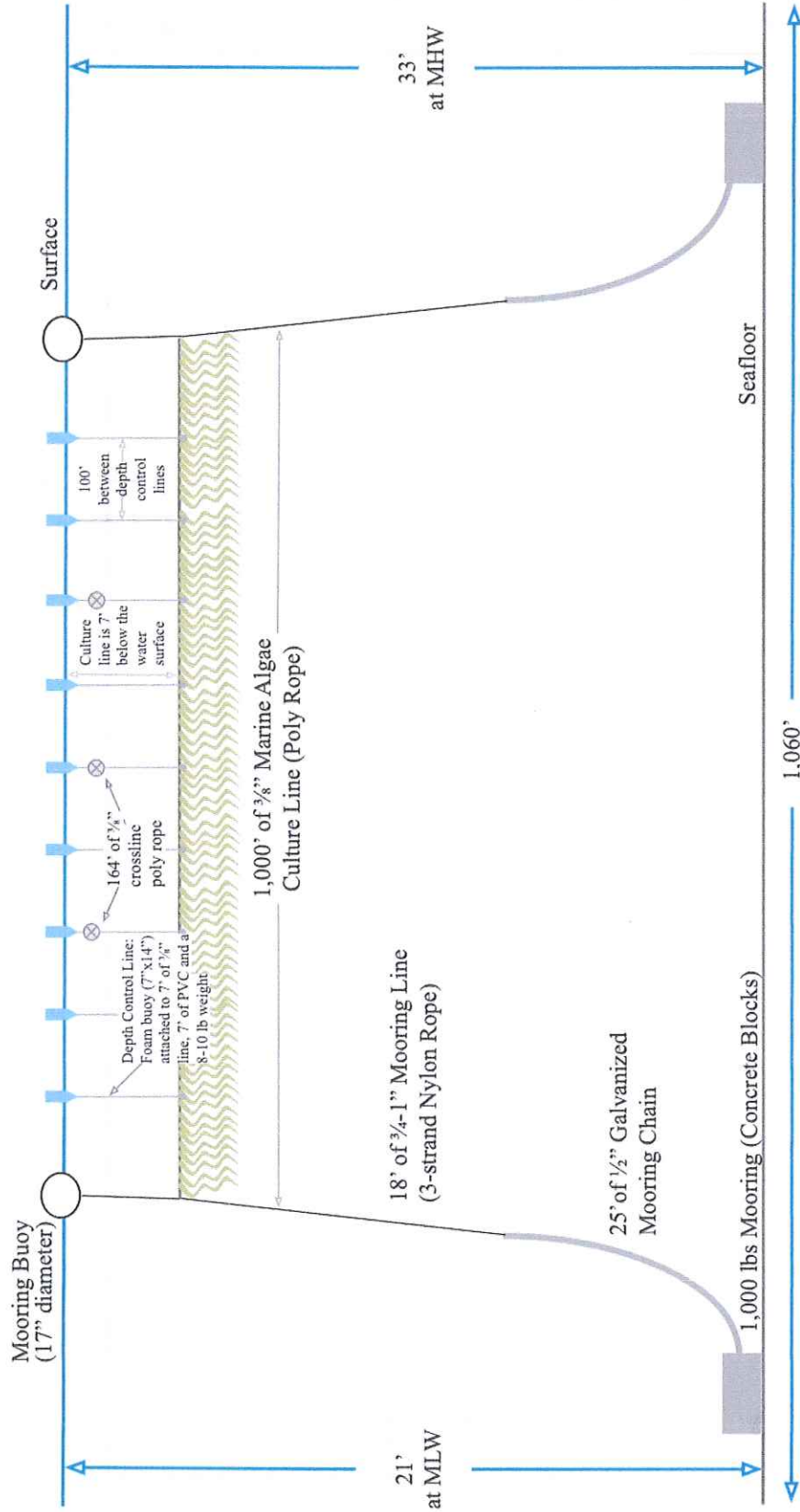




Figure 6. Section 12B - Cross-Section View during the Off-Season (June 16 - September 30)

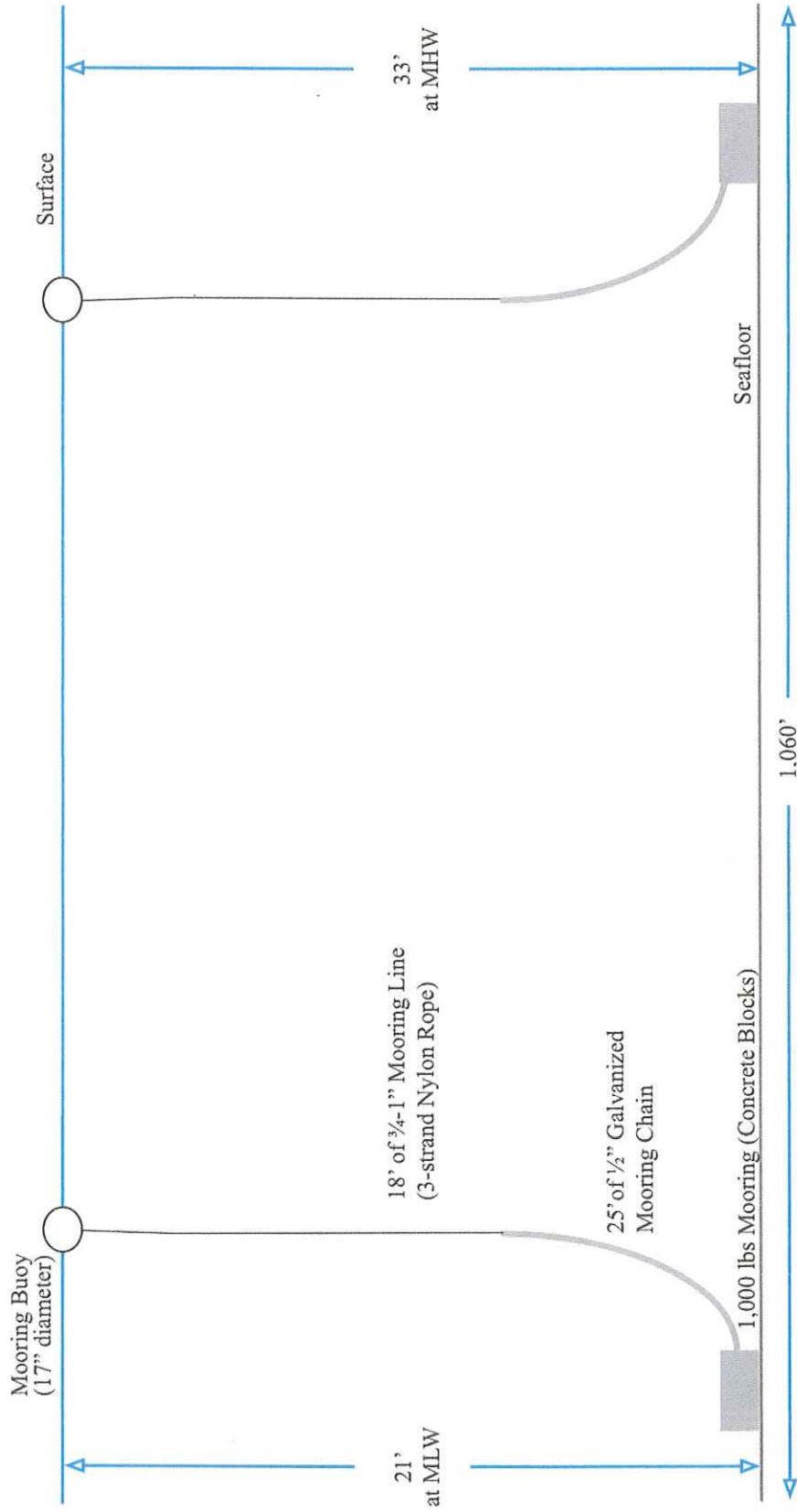


Figure 7. Section 12D - Gear Drawing

