

EXPERIMENTAL LEASE APPLICATION

1. APPLICANT CONTACT INFORMATION

Applicant	Nor'Easter Oyster Co.
Contact Person	Sean Corcoran
Address	29 High St. Apt 1
City	Brunswick
State, Zip	ME, 04011
County	Cumberland County
Telephone	443-496-4522
Email	soseccaner@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	South Bristol
Waterbody	Johns River
General Description (e.g. south of B Island)	The middle branch, NE of Peabow Island and W of Foster Island
Lease Information	
Total acreage (4-acre maximum) and lease term (3-year maximum) requested	3.32 acres
Type of culture (check all that apply)	<input checked="" 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)
How many pending experimental lease applications (including this one) do you have pending?	<input checked="" type="checkbox"/> One (1) <input type="checkbox"/> Two (2) <i>Note: An applicant may have no more than two pending experimental leases at any time.</i>
Do you have a legal interest in any entity that has a pending experimental application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" provide the name of the applicant(s): <u>This current application for Nor'Easter Oyster Co.</u>

Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>Note: If you selected "Yes", you need to complete the steps outlined in the section titled: "17. Landowner/Municipal Permission Requirements".</i>
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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"):	WR
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 (include both common and scientific names):	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. American Oyster <i>Crassostrea virginica</i>	Mook Sea Farm 321 ME-129 Walpole, ME 04573	3 million
2. American Oyster <i>Crassostrea virginica</i>	Muscongus Bay 24 Seal Ledge Lane Bremen, ME 04551	
3. American Oyster <i>Crassostrea virginica</i>	Downeast Institute 39 Wildflower Lane PO Box 83 Beals, ME 04611	
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’.

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 in decimal degrees (e.g., 43.123456 N, -69.123456 W). 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 lease is to develop a higher volume-based method of cultivating oysters. This will include, utilizing the entirety of the water column and developing new gear types and methods to maximize lease space and to simplify harvest techniques.

A second purpose is to test the growth rates and survivability of oyster seed in Johns River.

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

Oyster seed will grow in floating gear until it reaches an ideal size to be safely moved to the bottom.

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

Oyster seed will be planted into floating gear during the spring months, May, April, and June. These will be tended to all spring, summer, and fall between the months of May and November. Tending activities will diminish throughout the fall. Harvesting will be year round.

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

During seeding periods, the oysters and gear will be tended 3-5 times weekly. Harvesting will happen 1-3 times per week.

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

Routine maintenance will be conducted 1-5 times each week. Maintenance will be conducted more frequently during the warmer months and less frequently during the colder months.

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

The planned harvest techniques are, pulling market oysters from floating gear, picking up gear with oysters from the bottom, and diving in the spring and fall.

The oysters in floating gear will be pulled by hand and sorted by hand on the boat. Bottom gear will be lifted with a 12 volt hauler, the oysters will be sorted by hand on the boat. The bottom planted oysters without gear will be harvested via diving. The oysters will then be sorted by hand on the boat.

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.

All current bottom gear will remain on the lease site on the bottom. All floating gear containing oysters will be sunk to the bottom in the lease site. All floating gear without oysters will either be removed from the lease site or sunk to the bottom.

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?

Current machinery includes an electric hauler. Future machinery will/can include a generator, power washer, and tumbler. Any machinery implemented with decibels exceeding 85, will be modified to reduce noise; sound proof covering, padding, noise redirection.

While tending the oysters from May through November, the generator will be used to power the tumbler and will be used intermittently during the day. This equipment is used to shape the oysters, sort them by size, and clean the oysters. The power washer will only be used when necessary to clean excess biofouling that air drying will not eliminate. The power washer will be used, at most, one day per month. If using the power washer one day per month, I anticipate it will be used from 1 to 8 hours, depending on the size of a mussel and/or barnacle set.

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

Predator control for floating gear will consist of flipping and air-drying to control the biofouling. Bottom gear will be cycled out as harvesting empties gear. This gear will be either air-dried or power washed when necessary.

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)

The floats on the floating cages will have bird spikes and/or zip ties attached to the floats in an effort to prevent birds from roosting.

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.
1. Commercial Fishing
No known commercial fishing.
2. Recreational Fishing
Occasional recreational fishing in the summer. During the months of June, July, August, and into September I have observed 2 different boats fishing near the proposed lease site off of Peabow Island approximately 1 to 3 times each month.
3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)
Some sailboats have been observed anchored south of the proposed lease site in the deeper water. During the months of July and August, I have observed 2 sailboats anchor about 200ft South of the proposed lease site for a day or two.
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.)
My proposed activities will not affect riparian ingress or egress in any way.
5. Other uses (kayaking, swimming, etc.)
There is occasional kayaking in the area in the summer months. The proposed site would in no way hinder shore access points along private residence shorelines. I have not observed any kayaks in the proposed lease site. 2 to 4 times each month in the summer I have observed kayakers go around Peabow Island. That distance is approximately 220ft
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.
There is one private dock, approximately 850ft NW of the NW corner of the proposed lease site.

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.

N/A

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>

N/A

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.

No existing aquaculture operations.

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.

N/A

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.

No exclusions

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?

The majority of the lease is approximately 4ft at mean low water. The southern end of the lease slopes down to approximately 7ft at mean low water.

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

The approximate depths at mean high water range from 14 ft and 17 ft.

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

Flow happens North at 2 knots on this site; Ebb happens South at 2 knots.

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 consists primarily of mud and spots of sand and gravel. There are surrounding ledges but not in the proposed lease site.

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

The topography is flat with a downward slope on the Southern end of the lease.

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?

European Oysters - common
American Oysters - rare
Green Crabs - common
Periwinkle - common

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

N/A

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.

According to the provided eel grass data from 2010, there has been 10-40% 55ft+ north of the proposed lease site. Both eelgrass data entries from 2010 and 1997 show there has not been any eelgrass growth inside the proposed lease site. I have not observed any eelgrass within the proposed lease site

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

It is a rocky shoreline, and forested.

E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?
 Yes No

Note: The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

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

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.

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.

Specific Gear Type (<i>e.g. soft mesh bag</i>)	Dimensions (<i>e.g. 16"x20"x2"</i>)	Time of year gear will be deployed (<i>e.g. Spring, Winter, etc.</i>)	Maximum amount of this gear type that will be deployed on the site (<i>i.e. 200 cages, 100 lantern nets, etc.</i>)	Species that will be grown using this gear type
Wire mesh bottom cage	36" x 48" x 9"	Year-Round	750 Cages	American Oyster
Wire mesh bottom cage	24" x 48" x 3"	Year-Round	1,500 Cages	American Oyster
Plastic Mesh Bag	16" x 34" x 4"	Year-Round	4,500	American Oyster
Anchors/Helix	5/8" x 42"	Year-Round	30	American Oyster
Long Line	5/8" sink rope	Year-Round	20,000 feet	American Oyster
6 Bay Floating Cages	62.5" x 13.75" x 9.5"	Year-Round	448 cages	American Oyster
Anchor Line	1" Sink Rope	Year-Round	1,200 feet	American Oyster

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: 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

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?

The boat will be launched at the Pemaquid River boat launch.

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)

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

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: South Bristol

MAP #	LOT #	Landowner name(s) and address(es)
26	20-B	King 157 E Branch Rd., Walpole, ME
26	18	John G. Walker 131 E Branch Rd., Walpole, ME 207-677-3360
26	21	Sproul - P.O. Box 1025 Damariscotta ME 04543
26	20A	Barton Realty Trust - 29 Water St STE 304A Newburyport MA 01950

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Brenda Bartlett, Town Clerk for the Town of South Bristol 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: Brenda Bartlett DATE: 2/28/2023

I, _____, Town Clerk for the Town of _____ 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: _____

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) Sean Corcoran 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.

Sean Corcoran - Owner, Nor' Easter Oyster Co
Applicant Signature

05/11/23
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*) _____ 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.

Applicant Signature

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: Sean Corcoran

Title (*if corporate applicant*): Owner, Nor' Easter Oyster Co

Signature: Sean Corcoran Date: 05/11/23

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.

17. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS *(if applicable)*

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

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

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

Step I: Obtain written permission from all intertidal landowners.

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

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.*

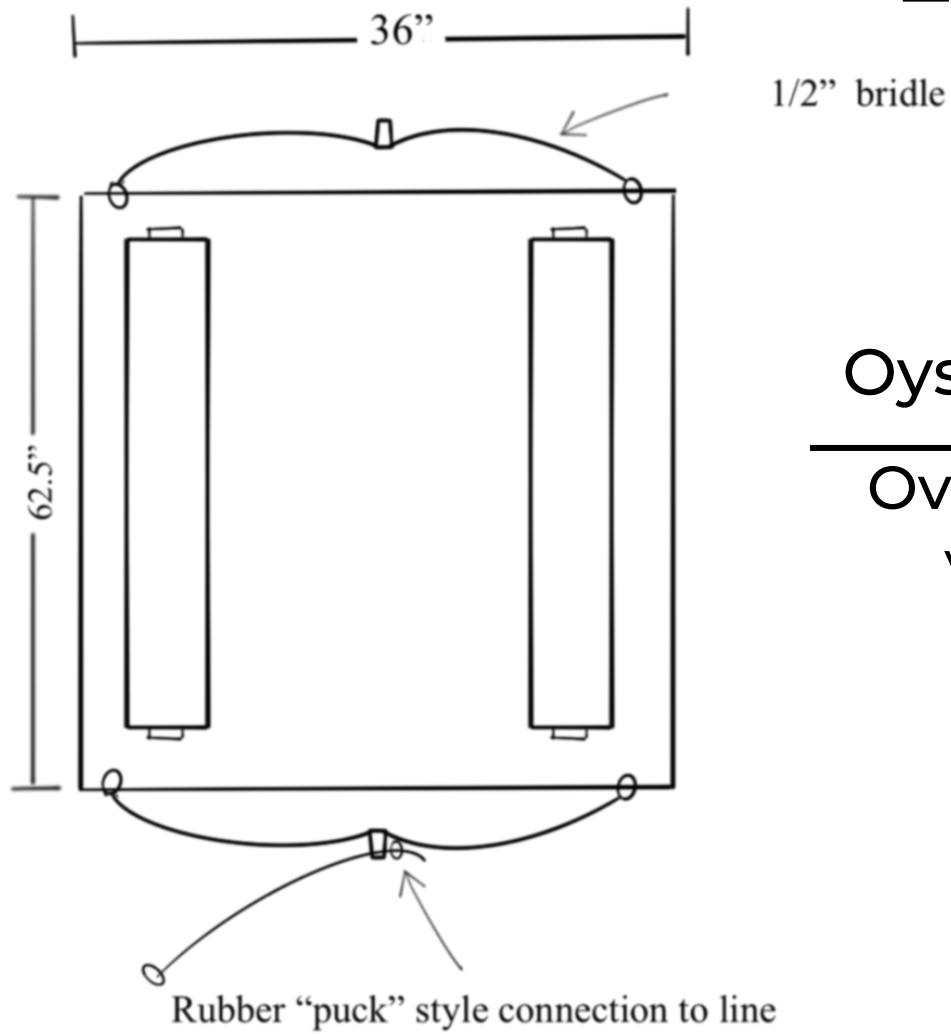
If the municipality where the proposed lease site is located has a shellfish conservation program, it is your responsibility to obtain consent for the proposed lease site from the municipal officers (i.e., the selectmen or councilors of the town, or the mayor and aldermen or councilors of a city.) Consent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

Exhibit 1



Oyster Gro

Overhead
View

Oyster Gro

Cross Section
View

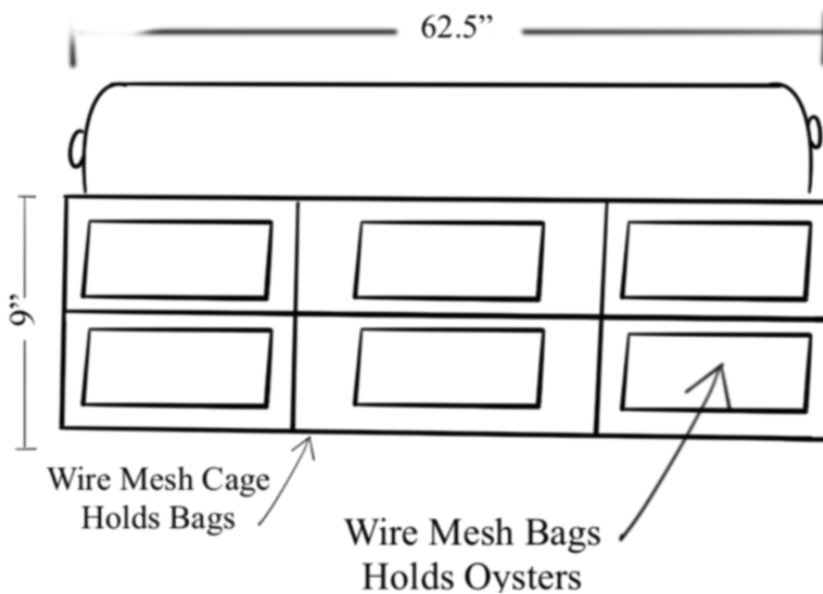
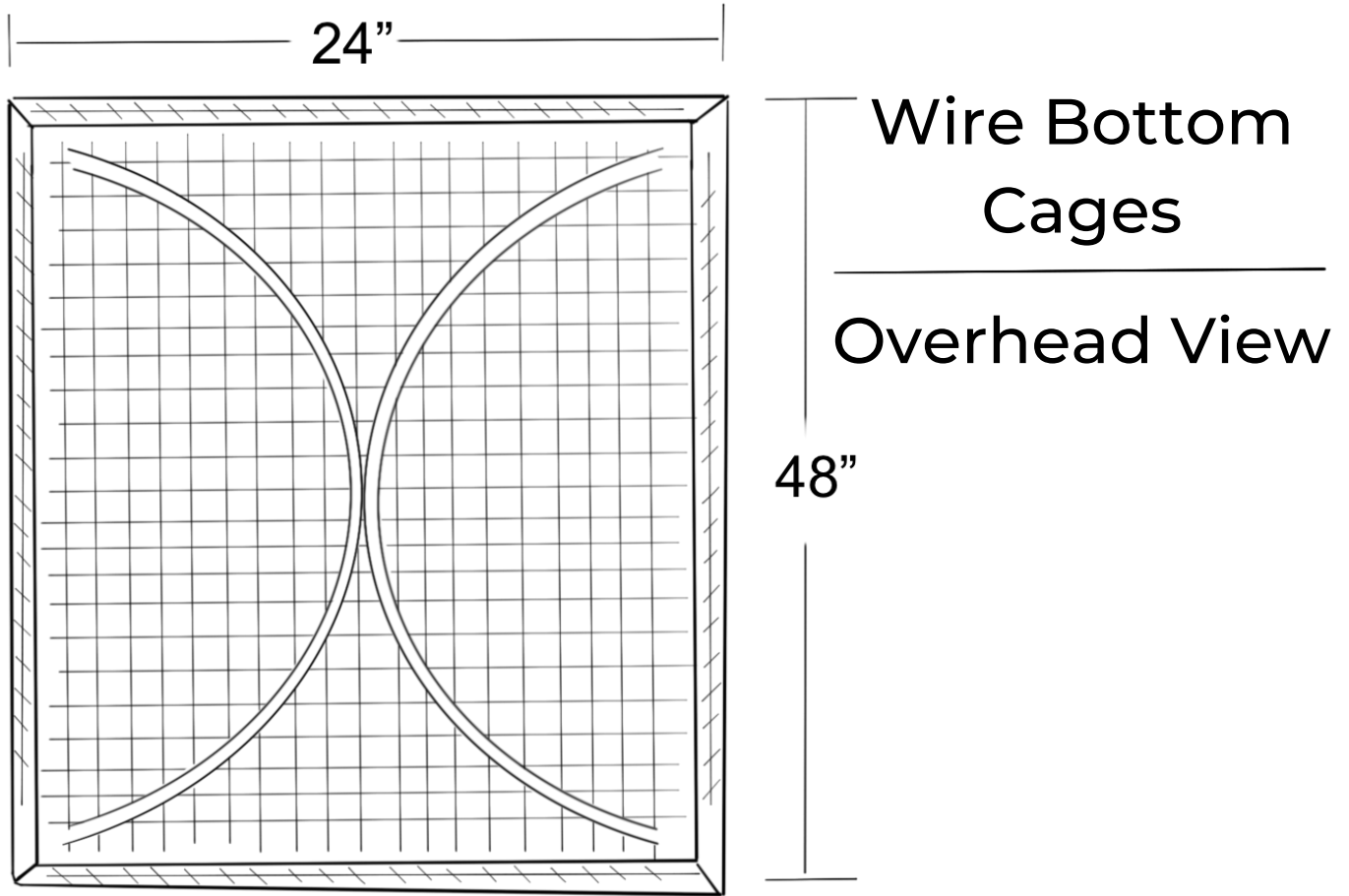
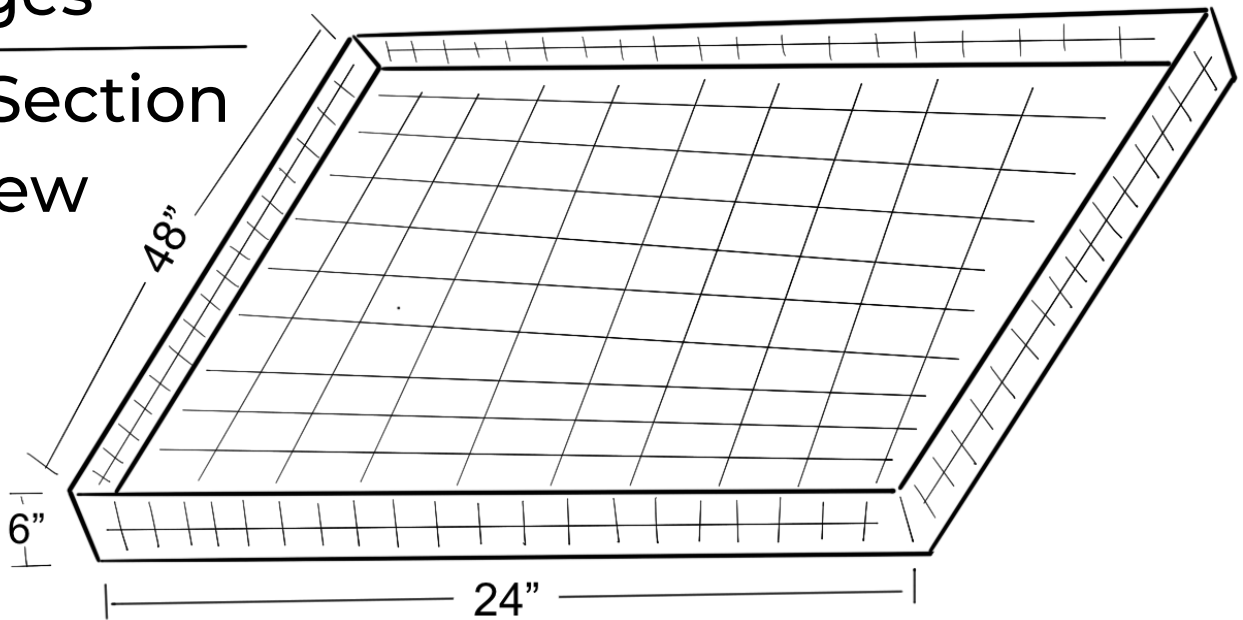


Exhibit 2



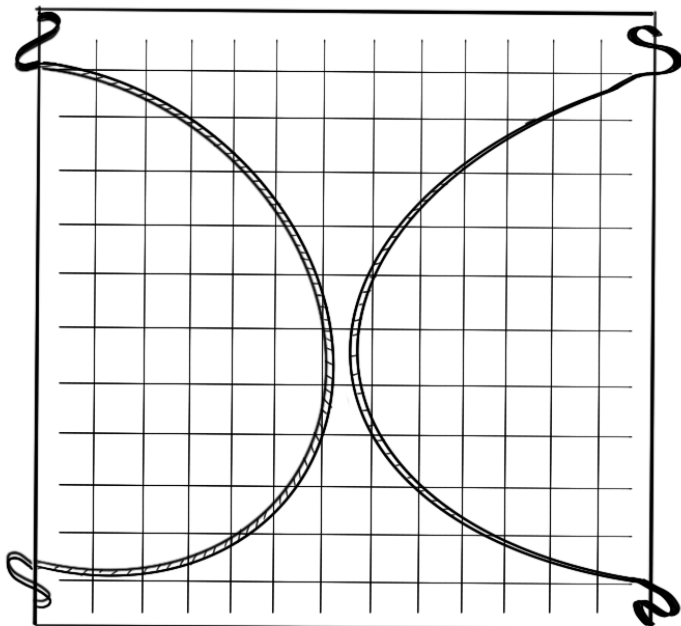
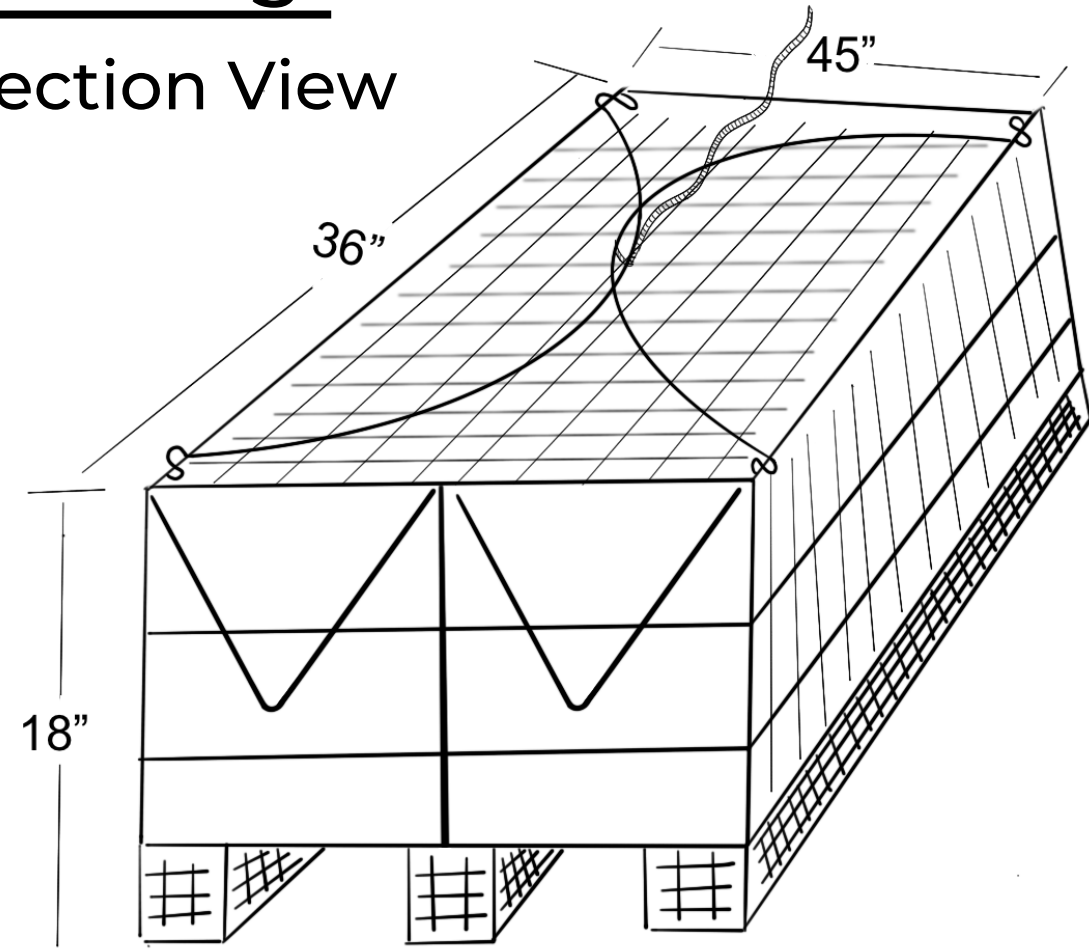
Wire Bottom Cages

Cross Section View



Bottom Cage

Cross Section View



Bottom Cage
Overhead View

Full Lease

Overhead View

Exhibit 4

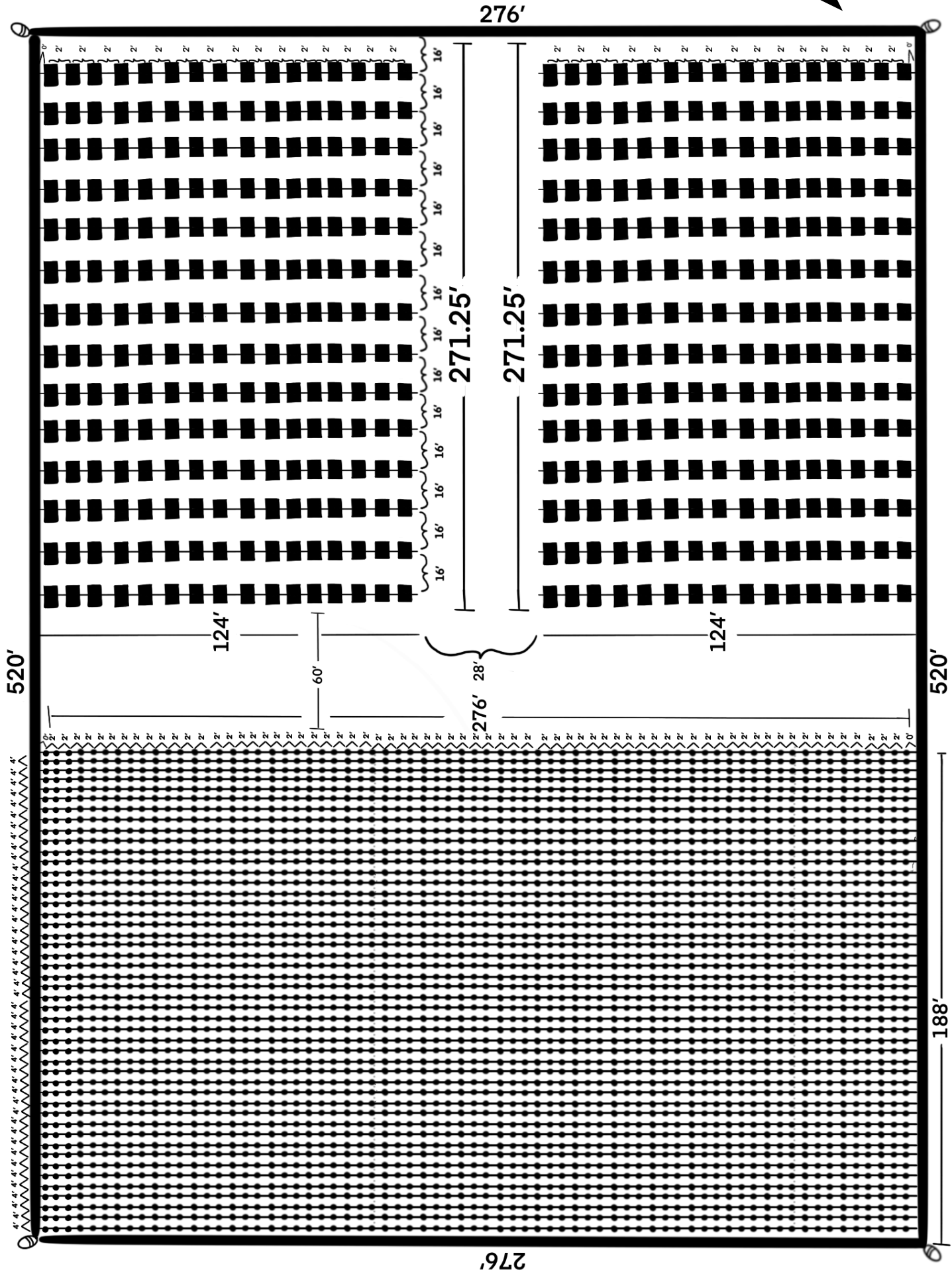
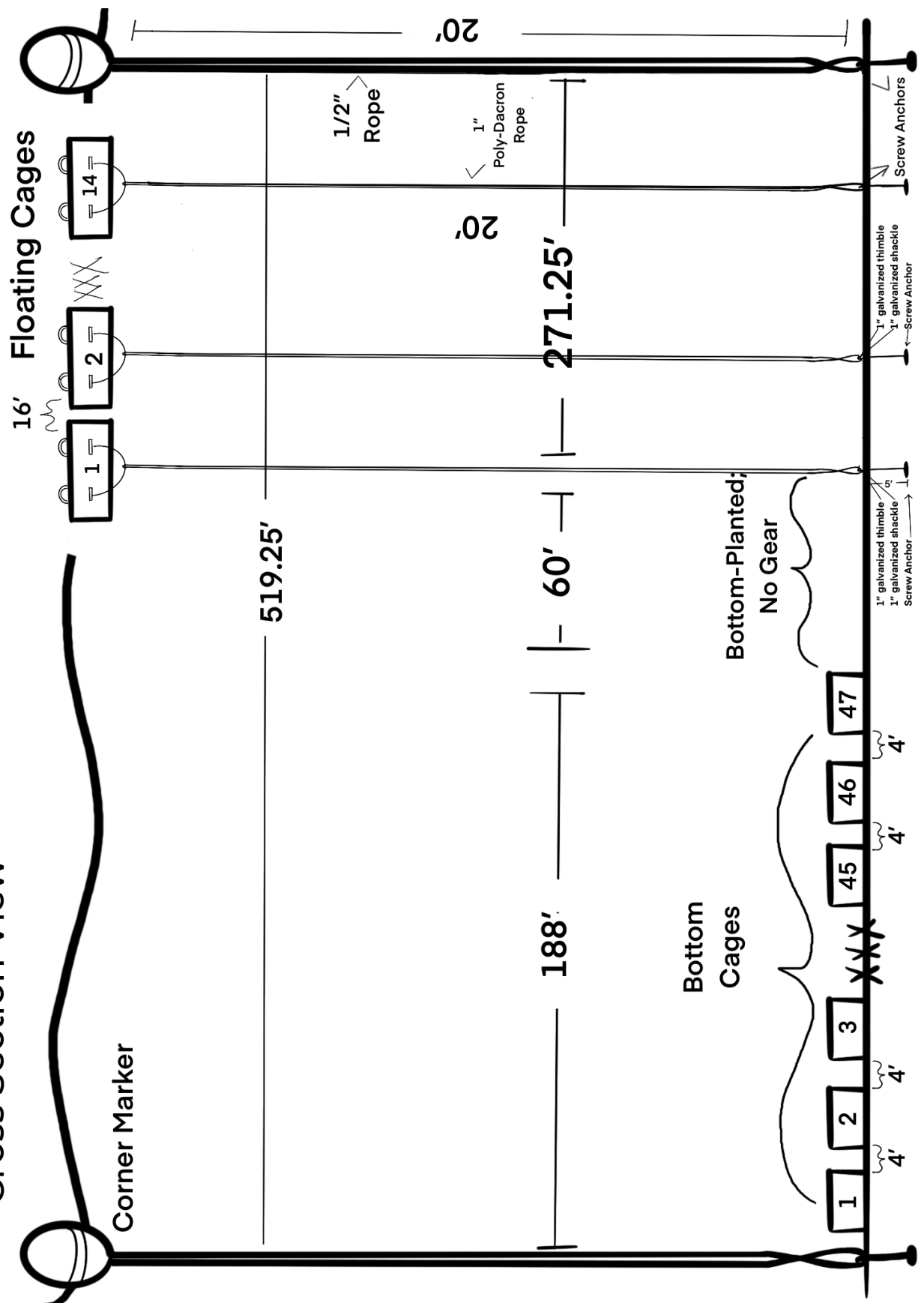


Exhibit 5

South to North Cross Section View

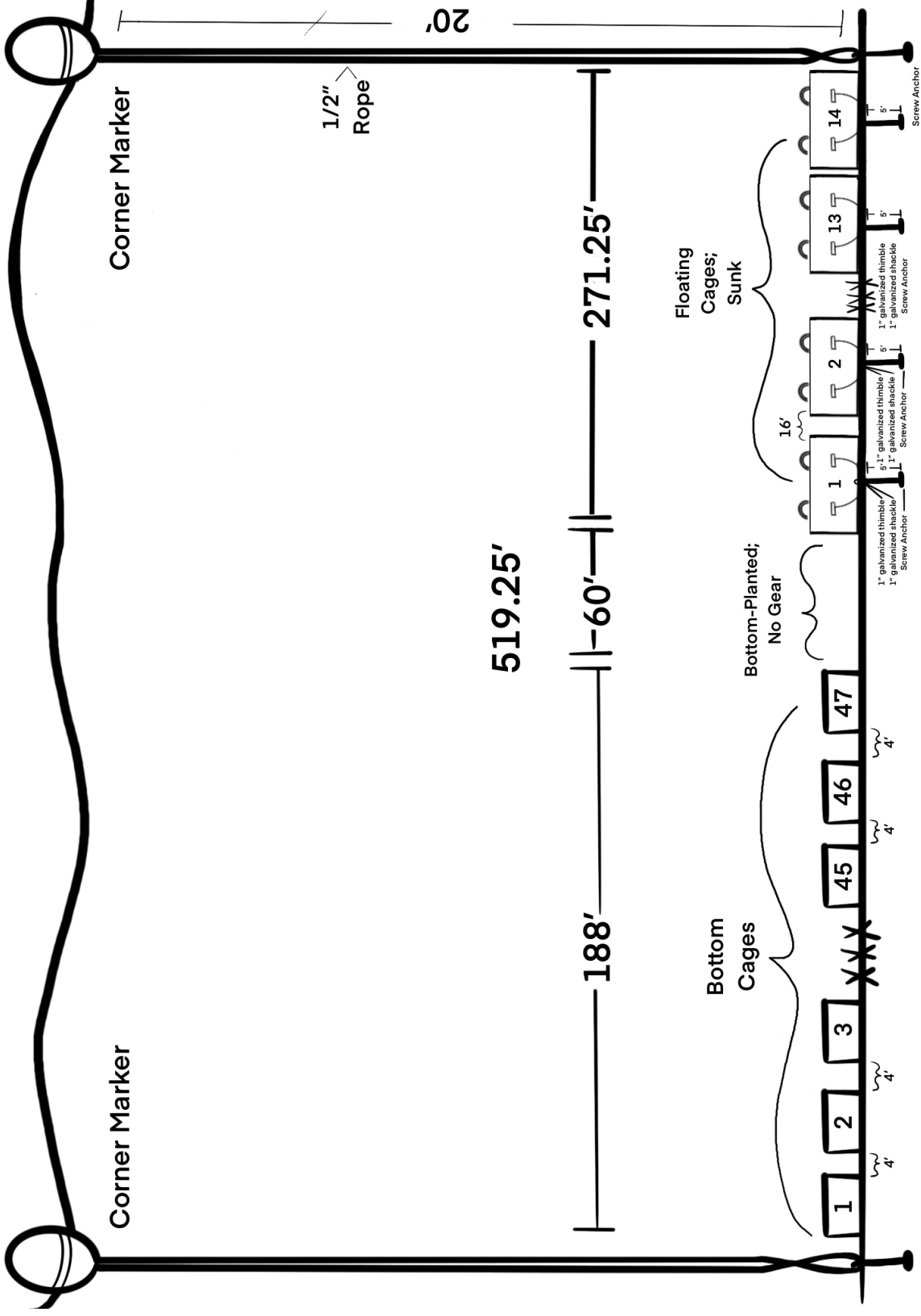


East

West

South to North
 Cross Section View
 Over-Wintered

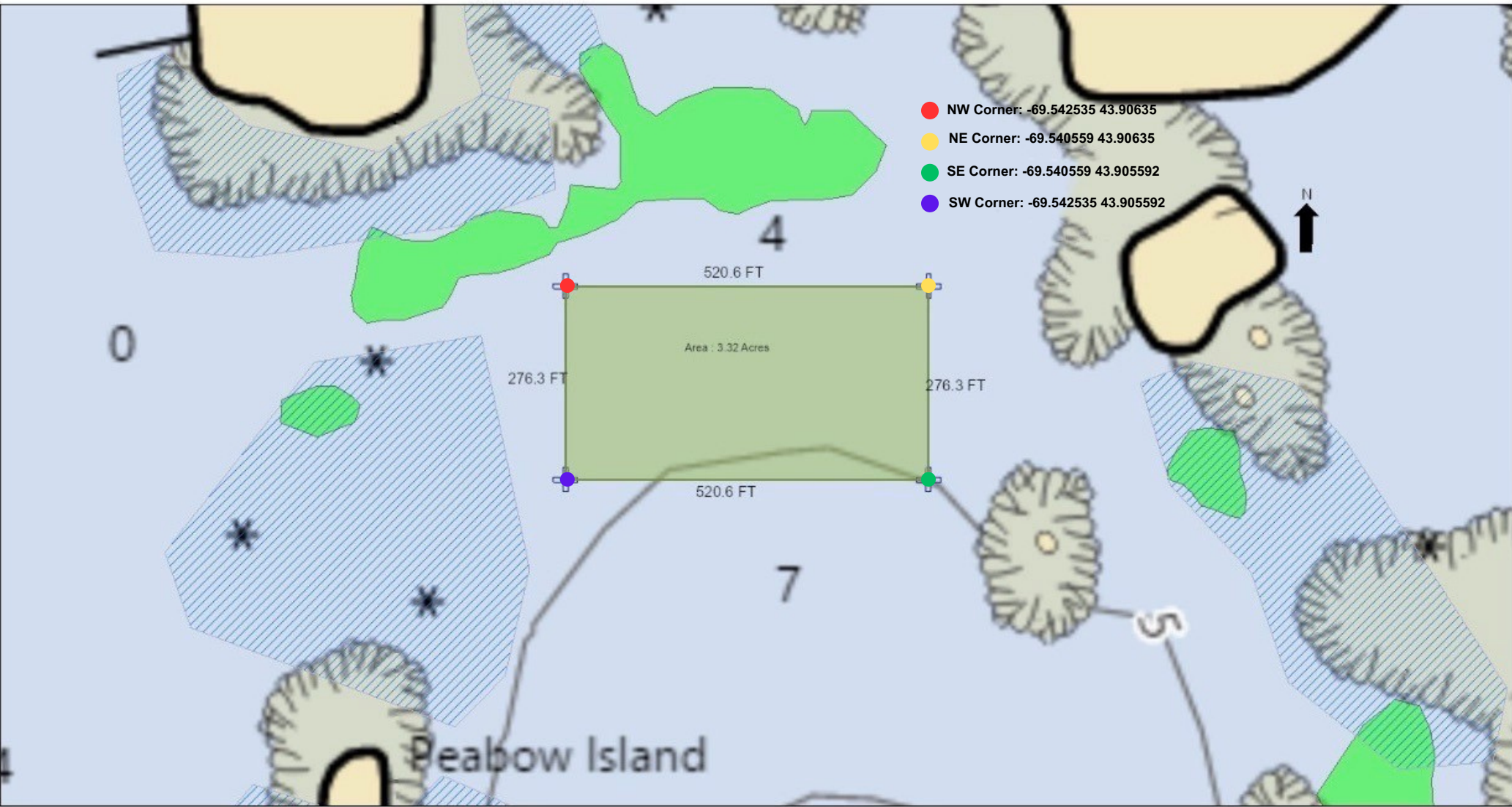
Exhibit 6



West

East

ArcGIS Web Map



● NW Corner: -69.542535 43.90635
● NE Corner: -69.540559 43.90635
● SE Corner: -69.540559 43.905592
● SW Corner: -69.542535 43.905592

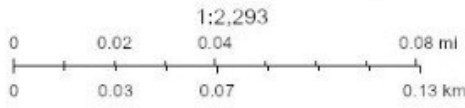


2/3/2023, 1:21:17 PM

- Areas**
- Override 1
 - Override 3
 - Override 4
 - Override 2
 - Override 5
 - Tidal Waterfowl and Wading Bird Habitat
 - Eelgrass 2010
 - 10-40%
- Points**
- + Override 1
 - + Override 2

- MaineDMR Public Health - Wet Storage Sites**
- OffShore
 - Recirculating
 - FlowThrough
- Bacterial Closures**
- Approved

- Prohibited
- Restricted
- Conditionally Restricted
- Conditionally Approved
- Conditionally Restricted for Relay



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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.

1. Name of Corporation: Nor'Easter Oyster Co.
2. Date of incorporation: March 28, 2022 State of incorporation: Maine
3. List the names, addresses, and titles of all officers:

Name	Address	Title
Sean Corcoran	29 High St. #1 Brunswick, ME 04011	Co-Owner
Jacqueline Clarke	29 High St. #1 Brunswick, ME 04011	Co-Owner

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

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

Name	Address
Sean Corcoran	29 High St. #1 Brunswick, ME 04011
Jacqueline Clarke	29 High St. #1 Brunswick, ME 04011

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.

Jacqueline Clarke applied for 3 LPAs in Poorhouse Cove in South Bristol, ME. Those applications were denied on 01.24.2023.

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
N/A		

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
None			

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: _____

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

File No. 20232056DC Pages 3
Fee Paid \$ 175
DCN 2221012330016 DLLC
FILED
03/28/2022

Julie L. Flynn
Deputy Secretary of State

A True Copy When Attested By Signature

Julie L. Flynn
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:
Nor'Easter Oyster Company, LLC

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

Sean Corcoran

(Name of noncommercial registered agent)

29 High St. #1, Brunswick, ME 04011

(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 03/25/2022

Jacqueline Clarke
(Signature of authorized person)

Jacqueline E. Clarke
(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

EXHIBIT A
to
CERTIFICATE OF FORMATION
of
NOR'EASTER OYSTER COMPANY

Pursuant 31 M.R.S. § 1542.1, except as may be limited to the LLC Agreement in effect from time to time for Nor'Easter Oyster Company, LLC (the "Company"), the Manager(s) of the Company, acting singly, have authority to enter into transactions on behalf of the Company, or otherwise act for or bind the Company.