

**STANDARD LEASE APPLICATION: NON-DISCHARGE****1. APPLICANT CONTACT INFORMATION**

Applicant	Deep Blue Aquaculture LLC		
Contact Person	Andrew Peters		
Address	60 Court Street		
City	Belfast		
State, Zip	Maine, 04915		
County	Waldo		
Telephone	207-505-2734		
Email	verticalbaymaine@gmail.com		
Type of Application	<input checked="" type="checkbox"/> Draft Application <input type="checkbox"/> Final Application <small>[submitted before scoping session session]                      [submitted after scoping session]</small>		
Dates	Pre-Application Meeting: 3/3/2022	Draft Application Submitted:	Scoping Session:
Payment Type	Draft Application: <input checked="" type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card		Final Application: <input 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 that is checked regularly. If you do not use email, please leave this blank.

**2. PROPOSED LEASE SITE INFORMATION**

Location of Proposed Lease Site	
Town	Deer Isle
Waterbody	Penobscot Bay
General Description (e.g. south of B Island)	West of Hog Island, Eastern Penobscot Bay
Lease Information	
Total acreage requested (100-acre maximum)	41.2 acres
Lease term requested (20-year maximum)	20

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)
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: "19. 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):	EC
Growing Area Section (e.g. "A1"):	none

**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. SPECIES INFORMATION

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

Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock or juveniles	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1. Sea Scallop (Placopecten Magellanicus)	Seed: Wild; Self-Caught and Pine Point Oyster Co. - Nate Perry 10 Pine Ridge Rd. Cape Elizabeth, ME 04107 (207) 615-1703	1.5 million

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:** Please label as: '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: *Appendix page 1*

- 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 scale bar
- The approximate lease boundaries

## 6. BOUNDARY DRAWING

**Note:** Please label as: 'Boundary Drawing'. *Appendix page 2*

**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.

North: 44.284627 N -68.804680 W  
West: 44.282691 N -68.808414 W  
South: 44.280295 N -68.803264 W  
East: 44.282243 N -68.799574 W

## 7. SITE DEVELOPMENT

**Directions:** 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 gear drawings and maximum structure schematics (information below). This section is intended to provide accurate plans depicting the physical structures to be placed in the proposed area. All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in). If you are proposing a bottom lease (no gear), please skip to question "F. Marking".

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

**A. Gear Information**

**Directions:** Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. Include units referenced (i.e. 10in, 10ft, etc.).

1. Gear Drawing: *Appendix pages 3 & 4*

Please include the following for each gear type that will hold organisms to be cultured (e.g. polar circles, marine algae longlines, oyster cages) and label as “Gear Drawing”. This view must show the following:

- Length, width, and height of each gear type.

2. Gear Table: List and describe each individual gear type that you will use in the table below. (e.g. polar circles, marine algae longline, oyster cages, moorings, mooring lines, buoys, etc.).

<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>
Lantern Net	20" x 90"	Year round	2,500	Sea Scallop
Poly Dropper Line	5/16" x 35'	Year round	4,500	Sea Scallop
Spat Collector Bag	14" x 30"	September - May	300	Sea Scallop
Longlines/Anchorline	1 1/4" x 1,200'	Year round	15	Sea Scallop
Mooring Anchors	>5000# Granite blocks and/or Habitat Anchors	Year round	30	Sea Scallop
Surface Marker Buoys	12" x 24"	Year round	49	Sea Scallop
HiFlyer/corner marker buoys	9" x 10'	Year round	4	Sea Scallop

Subsurface Float Buoys	16''	Year round	500	Sea Scallop
---------------------------	------	------------	-----	-------------

**B. Maximum Structure and Mooring System Schematic**

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

1. Overhead View. Appendix page 5

Please include the following and label as “Overhead View”:

- Maximum layout of gear, including moorings.
- Length and width of project.
- Approximate spacing between gear.
- Lease boundaries and the location of proposed corner markers and any additional gear markers that would be present.

2. Cross-Section View. Appendix page 6

Please include the following and label as “Cross-Section View”:

- 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.
- Depth of gear in relation to the water’s surface at mean low water and mean high water (if applicable).

**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. On-Site Support Structures**

1. Describe structures such as barges, sheds, etc., to be located on-site. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc.
None permanently moored.

2. Describe the storage and use of oil, gasoline, or other hazardous materials on site. If petroleum products are to be stored on site, provide a spill prevention plan.
None will be stored on site. At the moment we are using a gas powered pressure washer that we have a 5 gallon jug of fuel kept aboard our vessel for re-filling. We have oil/fuel absorbent socks and mats for if there was to be a spill.

**D. Gear Color**

Provide the color of the gear and structures proposed to be used at the lease site.

Surface Marker Buoys within the farm will be white Polyform inflatable buoys or yellow plastic buoys. Subsurface float buoys will be yellow, green or white. Corner buoys will be yellow while the attached radar deflector hi-flyers will be pink. We will follow any additional recommendations or requirements for marking the farm put forth by the Coast Guard.

**E. Equipment Layout**

Provide schematic or photographic renderings of the generalized layout of the equipment as depicted from two vantage points on the water. Provide the locations of the two vantage points.

**F. 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.

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 ((617)-223-3293).

**8. PRODUCTION ACTIVITIES**

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

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

Beginning in March, we will bring our spat collection bags to the farm and hang them off of the longlines for storage. Once the seed is big enough and not too fragile to handle, we will begin sorting through the bags to separate out the scallop seed from other species. This work will be done on our farm vessel and the graded seed will then be stocked into lantern nets and placed on the farm. Much of this sorting and “seeding” of the farm will take place within June, July and August. During the warmer, summer months, we anticipate being on the farm 5 days per week, however not all of this would be seeding activity.

**B. Please explain your proposed tending/maintenance activities.**

Much of our work on the farm consists of keeping the longlines floating properly so the scallops are able to hang in the middle of the water column, aiding in their growth. Cleaning lantern nets, dropper lines and float buoys of the constant array of biofouling is necessary to achieve desired growth, while also limiting “line dip” where the gear gains too much weight and touches the bottom, making the scallops vulnerable to predators. While the scallops are in the nursery lantern nets, much of this cleaning/tending work happens at the same time we are sorting, grading and thinning out the lantern nets - once or twice a year per net. It could be more depending on any given year's biofouling growth. Beginning in their second year on the farm, the scallops will be ear-hung from vertical dropper lines. These lines will be cleaned and tended 2-3 times a year, depending on biofouling for any given year.

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

We anticipate visiting the farm 5 days per week during the warmer months(May - October) and then as weather is more deterrent, fewer days per week. For January, February, March, we will likely visit the farm one or two days a week for harvesting. There is minimal biofouling that occurs during the colder months, so the cleaning requirement is limited. Much of our daily tending and harvesting tasks will overlap on our daily visits.

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

Depending on the style of scallop we are selling, our harvesting technique will differ slightly. If harvesting from dropper lines, we would simply run the dropper line through the washing machine before detaching the scallops from their pins.

Whole scallops once removed from the dropper lines, would subsequently be scraped clean and then manually bagged, tagged and placed in coolers with ice packs to keep them cold.

Animals intended to be sold shucked as adductor only or roe-on, would also go through a

washing machine and then be detached from the dropper lines. They will then be shucked into food grade containers packed with ice.

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

Harvesting will take place year round, but we plan to concentrate much of our harvesting between February and August each year. Up to 5 days a week at peak time. As mentioned before, there is an overlap of tasks completed on any given day.

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

G. Describe any overwintering or "off season" plans for the site. For example, will you remove gear from the site and/or deploy gear in different areas within the proposed site? Please include where gear or product will be located if removed from the site.

Type of gear deployment will remain the same throughout the year though quantities of nets and dropper lines may vary. When we "ear-hang" scallops, we will be emptying lantern nets and increasing the number of dropper lines on the farm. As we harvest, dropper lines will decrease. Lantern nets will increase when seeding and increase again in the fall when thinning out the stocking density of the nursery scallops.

H. Please provide details on any predator control techniques you plan to employ, including the use of bird deterrents. Will you use commercially available or custom equipment? If commercially available equipment, please include the brand and model names. If custom equipment, please attach a detailed schematic that includes the dimensions, materials, and function of the equipment.

We do not plan to use any predator control techniques. When the scallops are young and of a vulnerable size, they are fairly well protected from predators within their lantern nets. As they grow bigger and are on the dropper lines, we have yet to see any predation of significance.

## 9. NOISE AND LIGHT

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

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

We plan to continue using our lobster style boat - 40' x 15'. It has some modifications in gear to allow us to work along the longline and hoist nets with relative ease, but the hull and systems are the same or similar to a common lobster boat. The modifications include a mast and boom, a stern davit/winch, and starwheels along the hauling rail to hold the longline parallel to the vessel. This vessel will be used every day we will be on the farm. For the stern davit/winch and starwheel, please refer to the photo of the lantern net on page 4 of the appendix.

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

We currently use a gas powered pressure washer to clean lantern nets and scallop shells, if necessary. We hope to have a pressure washer run off of the farm boat hydraulics in the near future in order to limit noise. A pressure washer will be used throughout the year when managing biofouling and would be used most days while on the farm. We try to concentrate our pressure washing of nets while in transit to/from the farm to limit accumulation and concentration of biofouling at the lease site.

We will also use an electric powered grader that runs off of the farm boat's electronic system. There will be a concentration of use of the grader for the thinning out of nursery scallops (October - December) and when grading for ear-hanging (May-July). For each of these periods, use could be everyday while on the farm for up to 3 weeks or more, within the time frame mentioned. For each of these days used, the grader would run for a period of time (~1 hour) and then sit idle for many hours. We will also use the grader any day we are harvesting and/or preparing to harvest. We anticipate using the grader while harvesting, roughly 1 or 2 days per week. Again, its use would only be for a short period (1-2 hours) of the harvest day.

An electronic scallop washing machine will also be used on the farm, for cleaning dropper lines and while harvesting scallops and preparing them for market. The machine is powered by a diesel powerpack(generator) that provides the electricity and water pressure for the washing machine. Effectively it is a purpose-built pressure washer. Both machines will be used in tandem and the concentration of use would take place when completing the bi-annual dropper line cleaning(summer & mid/late fall). The powerpack sits on the deck of the farm boat and the washing machine sits at the rail. Dropper lines are detached from the longline and passed through the washing machine, where they fall back into the water after they are re-attached to the longline. This machine will also be used to wash scallops when harvesting, before hand scraping for the whole animal market.

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

We have recently purchased a new farm boat and one of the criteria while searching for it was with the intention of decreasing our noise footprint on our farm. The combination of engine and muffler system on our vessel provide for a very quiet work platform that has the ability to power much of the equipment we are using. While at a high idle, the boat engine is nearly inaudible from even a modest distance away, ~50 feet.

We currently contain some of the sound due to the placement of the pressure washer on the boat within a more contained area so it's muffled. We also only run the equipment (grader and pressure washer) for short periods of time or make the effort to shut the equipment off so it is not making noise while sitting idle. The scallop washer powerpack does not make much more noise, if any, than the farm boat idling.

We are working towards powering all of our equipment/machinery off of the farm boat's engine in order to reduce the noise from louder, externally powered equipment. Specifically, changing the gasoline pressure washer to be powered by the boat hydraulics will greatly reduce our noise footprint.

We recognize sound travels easily over water, so we have chosen our site to be well removed from residences of humans and other wildlife. There is one home on a nearby island and the next closest residences are just under 2 miles away. With our current use of equipment on the farm, we have not received any feedback with regards to noise levels within the past 4 years.

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

We have 2 x Rigid D-Series deck lights that are 30 watts each in the event we are working in the dark.

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

We would only work on the farm beyond daylight hours if weather prevented us from getting necessary work done during the day or there was a need to meet a harvest deadline.

**10. CURRENT OPERATIONS**

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

**A. Describe your existing aquaculture operations, including the acronyms of all active leases and/or licenses.**

We currently farm sea scallops on the experimental lease, PEN P1x. We have been operating off of LPAs and now the experimental lease with gear in the water at the proposed location since 2018. As we are slowly ramping up our volume of scallops on the farm, we need to add more space in the form of additional longlines. We currently have ~125,000 scallops from 3 different year classes on our lease.

**B. What are your plans for any existing leases and/or Limited Purpose Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or LPA licenses be relinquished if the lease is granted? If so, please indicate which ones.**

At the time of submission of this application, the farm is operating on a single experimental lease. There is a potential for the farm to also operate on up to 4 additional LPAs for the duration of this application process. If the standard lease is granted, Vertical Bay would relinquish the experimental lease and the LPAs and they would all be encompassed by the proposed standard lease.

**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?**

Between 50 and 60 feet.

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

Between 60 and 70 feet.

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

Current speed for both ebb and flow are roughly 15cm/s. Direction: flow - northwest, ebb - southeast.

**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><b>1. What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?</b></p>
<p>The bottom within the lease site and immediate surrounding area is mud. Closer to the adjacent island there is a transition from mud to sand/gravel and then to the hard bottom in the tidal areas of the islands.</p>
<p><b>2. Describe the bottom topography (flat, steep rough, etc.).</b></p>
<p>The general vicinity of the site is a large mud flat that eventually slopes downward to the south, southeast and west.</p>
<p><b>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?</b></p>
<p>Blue mussels and sea squirts have been witnessed in large numbers as biofouling on the longline gear. Starfish have also been observed in the fall in moderate numbers when thinning out seed lantern nets.</p>
<p><b>4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</b></p>
<p>None in the immediate vicinity. In some of the surrounding gravel/sandy beds adjacent the nearby islands, scallop dragging has been witnessed.</p>
<p><b>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.</b></p>
<p>According to the state's map of eelgrass from 1997, there were abundant beds of eelgrass surrounding Pond and Hog Islands in their immediate shallows and none in the depths surrounding the lease site. In the 2010 map it indicates the preexisting beds diminished and there continued to be no eelgrass in the immediate vicinity of the lease site. An ongoing personal observation has been the lack of eelgrass or any vegetation on lantern nets that have inadvertently been on bottom.</p>
<p><b>6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)</b></p>
<p>Pond Island, to the northwest of the proposed site, is an island owned by Maine Coast Heritage Trust. As per their website's description, the island contains a cusped barrier beach, salt pond, sand dunes, and a salt marsh. Away from the shore, there is maritime spruce-fir forest, shrubland and a grassy meadow. Hog Island, a private island located to the northeast of the proposed sites, with similar vegetation to Pond Island, but grass fields also dominate the landscape. Cape Rosier, to the north, is lined primarily by rocky shoreline with a sand beach at Bakeman Cove. Inland, it is primarily maritime spruce-fir forest with grassy meadows and blueberry fields interspersed.</p>

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.

## 12. EXISTING USES

A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year c) frequency and d) proximity to the lease site for each existing use.

### 1. Commercial Fishing

Lobster fishing gear has been observed in sparse numbers primarily to the north of the proposed site, along the transition from hard bottom to the softer mud bottom. There is also gear to the west on a similar transition of the bottom from hard to soft. Gear increases in numbers in that specific area into August, but in the immediate proximity, there remains fewer than 5 lobster buoys, if any at all. The area was observed during the winter months with no lobstering activity or any other commercial fishing within the proposed lease site. In open scallop dragging years, there is activity in the adjacent areas with similar bottom characteristics to where the lobster gear is observed at other times of the year.

### 2. Recreational Fishing

Based on observations over the past 3 years, there has yet to be any observed recreational fishing in the immediate area of the proposed lease site.

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

The proposed site is situated just outside of the southern edge of the northwestern end of Eggemoggin Reach. From June - August pleasure boat traffic is concentrated primarily in the center of the water body defined between Pond Island and Cape Rosier. During July and August, there are weekend boaters who frequent the eastern beach of Pond Island, either pulling their craft onto the beach and tenting or setting anchor. The proposed site is south of this area and leaves ample room for pleasure boaters to navigate the area freely. There is one boat that commutes to Beach Island from Bucks Harbor, but the proposed lease site would not interfere with their regular

path. In addition, there is some recreational traffic during the warmer months, traveling in an east/west orientation, that moves in the large channel formed between Pond Island and Beach Island to the south. From the southernmost point of the proposed lease to the closest land to the south, there still remains a channel of roughly 1.5 miles wide.

**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.)**

The proposed site is over 1,000 feet from both Hog and Pond Islands and does not impair access to either island. The mooring and dock area for Hog Island is located on the northern side of the island. The sandbar between Pond and Hog Islands prevents most boat traffic from passing between the islands and through to any ingress/egress of either island, whether beach or dock. The majority of boats approach the adjacent islands from the north, therefore not needing to travel through or by our lease.

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

In the direct vicinity of the proposed lease site, there haven't been other uses observed in terms of kayaking or swimming.

**B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from the proposed lease.**

No.

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

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:  
<https://www.maine.gov/dmr/aquaculture/leases/index.html>

No.

### 13. EXCLUSIVE USE

If your lease is granted, what activities would you request be excluded from occurring within the boundaries of the lease site? In your answer please address applicable commercial and recreational fishing, boating activities, and other activities you listed in the 'Existing Uses' section of this application.

It would be strongly recommended that dragging, towing or diving for scallops be excluded from occurring within the boundaries of the lease site.

The longlines will be marked with buoys, but dragging gear could very easily destroy the farming infrastructure and could be a safety concern when all of the gear is tangled. Diver poaching could easily occur as the dropper line scallops can be easily plucked off their dropperlines.

Lobstering or recreational use would not impair or provide a large risk to our operation. Except for when the farm boat is on a specific longline, the lines will be sunk 15' below MLW so there isn't a significant risk of boat/prop entanglement.

### 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:

#### Not applicable

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>
3. If any portion of the site is intertidal, you need to complete the steps outlined in the

section titled: "19. Landowner/Municipal Permission Requirements".

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

Yes     No

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

**C.** How will you access the proposed site?

By boat, from the east if coming from Buck's Harbor or from the west if coming from Belfast.

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

Our proposed activities will not affect riparian ingress and egress.

## 15. TECHNICAL CAPABILITY

Provide information regarding professional expertise. Attaching resume or documentation of practical experience necessary to accomplish the proposed project would satisfy this requirement.

Deep Blue Aquaculture LLC has been successfully operating on its farm within the area of the proposed lease site since 2018. Our methods of farming scallops are ever improving but the proposed scope of this project would be a scaling up of existing operations without any significant changes to methods or need for different abilities or capabilities. The setting of longline anchors is the only work we are not capable of handling within the company as our vessel is not equipped properly. We plan to contract work to any number of local barge services who are experts at installing mooring systems. As one of the leaders in this budding industry, we work very closely with the University of Maine and other partners to act as a resource to other aspiring farmers.

**16. FINANCIAL CAPABILITY**

A. Financial Capability

Please provide documentation to show you have the financial resources to implement the proposal. For example, you may submit a letter from a financial institution or funding agency indicating that you have an account in good standing, or their willingness to commit funds.

**Note:** Any financial information you submit with your application is part of the public record. Please exercise discretion when submitting financial information.

*Appendix page 7.*

B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.

Deploying the longline infrastructure: \$100,000 - \$125,000.  
 Nets, dropper lines and other equipment: \$100,000 - \$150,000.

**17. ESCROW ACCOUNT OR PERFORMANCE BOND**

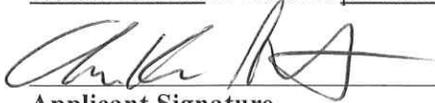
Check the category that describes your operation:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
<input type="checkbox"/>	No gear/structure, no discharge	\$500.00
<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 square feet of structure.

I, (printed name of applicant) Andrew Peters have read DMR Aquaculture Regulations Chapter 2.64(10) (D) and if this proposed lease is granted by DMR, I will either open an escrow account or obtain a performance bond, in the amount determined by the lease category.

 Owner/CEO 6/1/22  
**Applicant Signature** **Date**

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

**ADDITIONAL APPLICANTS:** Each applicant must sign this section indicating that they will open an escrow account or obtain a performance bond. Use the space below for additional persons listed on the application. You may attach additional pages, if necessary.

I, (printed name of applicant) \_\_\_\_\_ have read DMR Aquaculture Regulations Chapter 2.64(10) (D) and if this proposed lease is granted by DMR, I will either open an escrow account or obtain a performance bond, in the amount determined by the lease category.

\_\_\_\_\_  
**Applicant Signature** **Date**

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

**18. APPLICANT SIGNATURE PAGE**

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

Printed name: Andrew Peters

Title (if corporate applicant): Owner/CEO

Signature:  Date: 6/1/22

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

**Note:**

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

**Additional Applicant:**

Printed name: \_\_\_\_\_

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



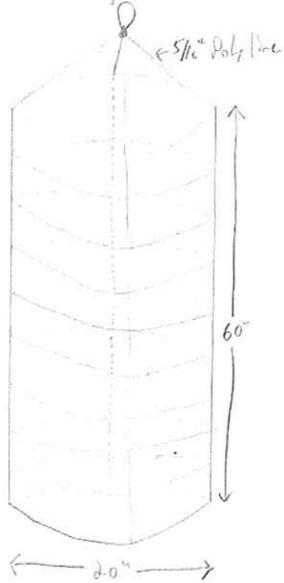
# Boundary Drawing



# Gear Drawing

## Gear Drawing

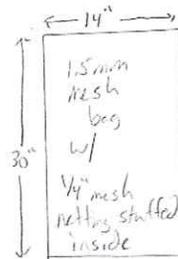
1) Lantern Net  
6mm, 9mm, 12mm mesh netting  
with wire hoops at each tier



2) Poly Dropper Line  
5/16" poly top w/ scallip  
age pin every 10cm apart

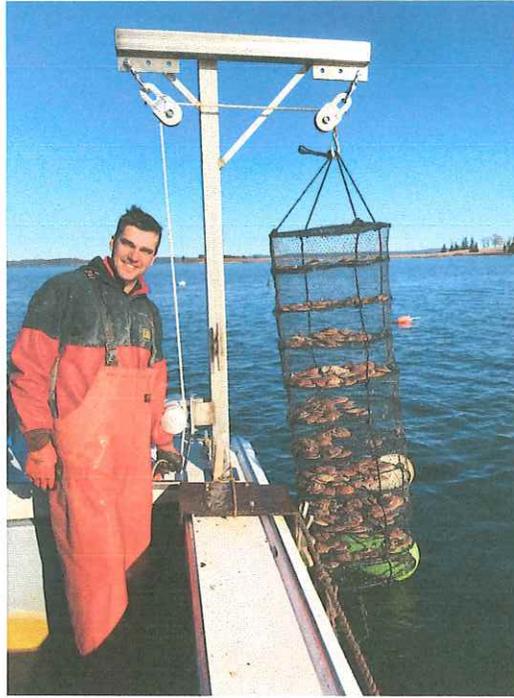


3) Spat Collector Bag



### Gear Photos

Lantern net with scallops. Dropper lines held out of water and hung off of a longline underwater.



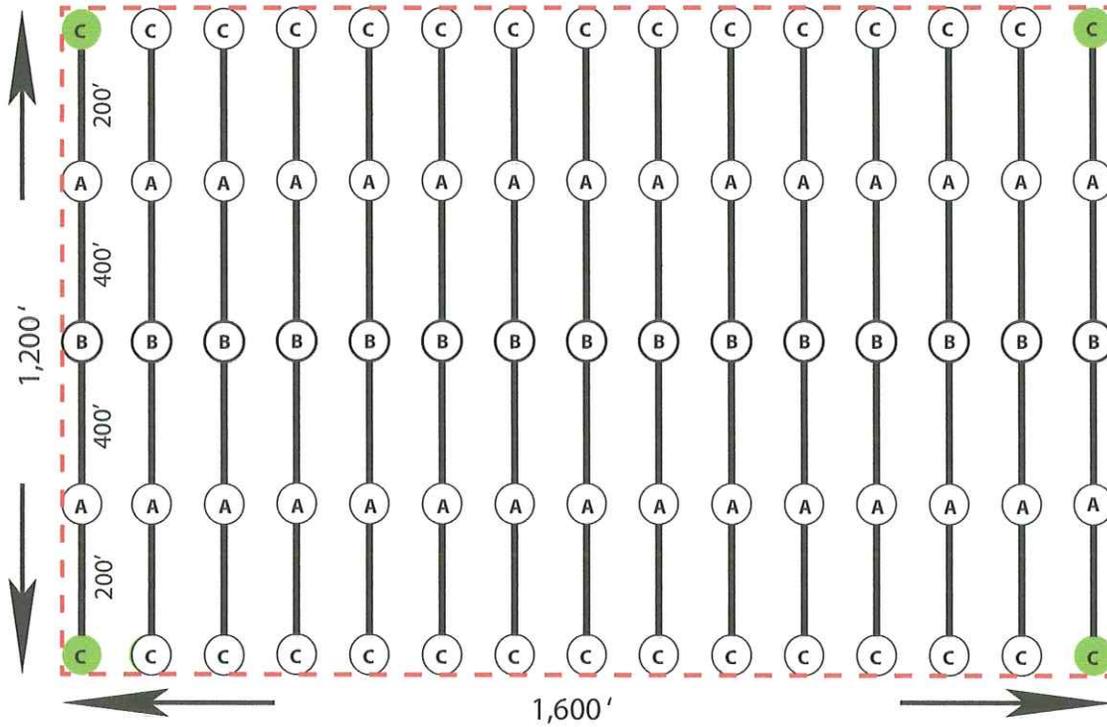
# Overhead View

Deep Blue Aquaculture LLC

## Overhead View

Not to scale - maximum site coverage

A = End line marker buoy. B = Center marker bouy. C = 5,000# mooring w/ attached surface marker buoy. Corner marker buoys (green) will have attached hi-flyer radar deflector and flag. Long line (1 1/4" poly rope) will be sunk between both end bouys (A) 15 ft. below MLW.





## Financial Capability



You matter more.™

February 25, 2022

State of Maine  
Department of Marine Resources  
State House  
Augusta, Maine 04333

Re: Deep Blue Aquaculture LLC d/b/a Vertical Bay

To Whom It May Concern:

Please be advised that Deep Blue Aquaculture LLC d/b/a Vertical Bay of Belfast, Maine, is an excellent customer of Bangor Savings Bank, and has been for over 6 years. All accounts have been handled completely as agreed and in a satisfactory manner.

The owner, Andrew Peters, is well known and highly regarded by the Bank. Andrew has consistently exhibited the financial, operational, and managerial expertise to make Blue Aquaculture d/b/a Vertical Bay a successful business venture.

Please let me know if there are any questions or if we can provide any further service.

Sincerely,

A handwritten signature in cursive script that reads "Carrie Ingraham".

Carrie Ingraham  
Assistant Branch Manager  
Bangor Savings Bank  
106 Main Street Belfast, Maine 04915  
207.930.7014 ext. 2501

www.bangor.com • 1.877.Bangor1  
Member FDIC | Equal Housing Lender



**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: Deep Blue Aquaculture LLC d/b/a Vertical Bay
2. Date of incorporation: 9/25/2017 State of incorporation: Maine

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

Name	Address	Title
Andrew Peters	60 Court Street Belfast, ME 04915	Owner/CEO

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

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

Name	Address
Andrew Peters	60 Court Street Belfast, ME 04915

**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.

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
Andrew Peters	60 Court Street Belfast, ME 04915	100%

**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
Andrew Peters	60 Court Street Belfast, ME 04915	PEN P1x	3.91

**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.

MAINE  
LIMITED LIABILITY COMPANY  
  
STATE OF MAINE  
  
CERTIFICATE OF FORMATION

Filing Fee \$175.00

File No. 20181577DC Pages 2  
Fee Paid \$ 175  
DCN 2172702270014 DLLC  
-----FILED-----  
09/25/2017

*Jule R. Flynn*  
Deputy Secretary of State

A True Copy When Attested By Signature

*Jule R. 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:  
Deep Blue Aquaculture LLC  
(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C.," or "LC" or, in the case of a low-profit limited liability company, "L3C" or "L3c" - see 31 MRSA 1508.)

SECOND: Filing Date: (select one)  
 Date of this filing; or  
 Later effective date (specified here): \_\_\_\_\_

THIRD: Designation as a low profit LLC (Check only if applicable):  
 This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:  
A. The company intends to qualify as a low-profit limited liability company;  
B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;  
C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and  
D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

FOURTH: Designation as a professional LLC (Check only if applicable):  
 This is a professional limited liability company\* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:  
\_\_\_\_\_  
(Type of professional services)

Form No. MLLC-6 (1 of 2)

**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  
Andrew Peters  
 (Name of noncommercial registered agent)  
60 Court St. Belfast, ME 04915  
 (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 \_\_\_\_\_, and made a part hereof.

**\*\*Authorized person(s)**

Dated 9/19/17

  
 (Signature of authorized person)

Andrew Peters  
 (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

Form No. MLLC-6 (2 of 2) Rev. 10/31/2012