

STANDARD LEASE APPLICATION: NON-DISCHARGE

1. APPLICANT CONTACT INFORMATION

Applicant	Love Point Oysters, LLC		
Contact Person	Cameron Barner		
Address	PO Box 281		
City	South Freeport		
State, Zip	Maine, 04078		
County	Cumberland		
Telephone	(207) 604-6166		
Email	cameron@lovepointoysters.com		
Type of Application	<input checked="" type="checkbox"/> Draft Application		<input type="checkbox"/> Final Application
	<small>[submitted before scoping session session]</small>		<small>[submitted after scoping session]</small>
Dates	Pre-Application Meeting: 06/09/2021	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	Harpswell
Waterbody	Middle Bay
General Description (e.g. south of B Island)	Southeast of Upper Goose Island
Lease Information	
Total acreage requested (100-acre maximum)	3.2
Lease term requested (20-year maximum)	20 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)

Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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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):	WJ
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

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. Crassostrea Virginica (American Oyster)	Muscongus Bay Aquaculture PO Box 204 Bremen, ME 04551 (207) 529-4100 Mook Sea Farms 321 State Route 129 Walpole, ME 04573 (855) 563-1456	400,000
2. Sugar Kelp (Saccharina latissima)	Atlantic Sea Farms 89 Industrial Park Rd Saco, ME 04072	15,000lbs

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

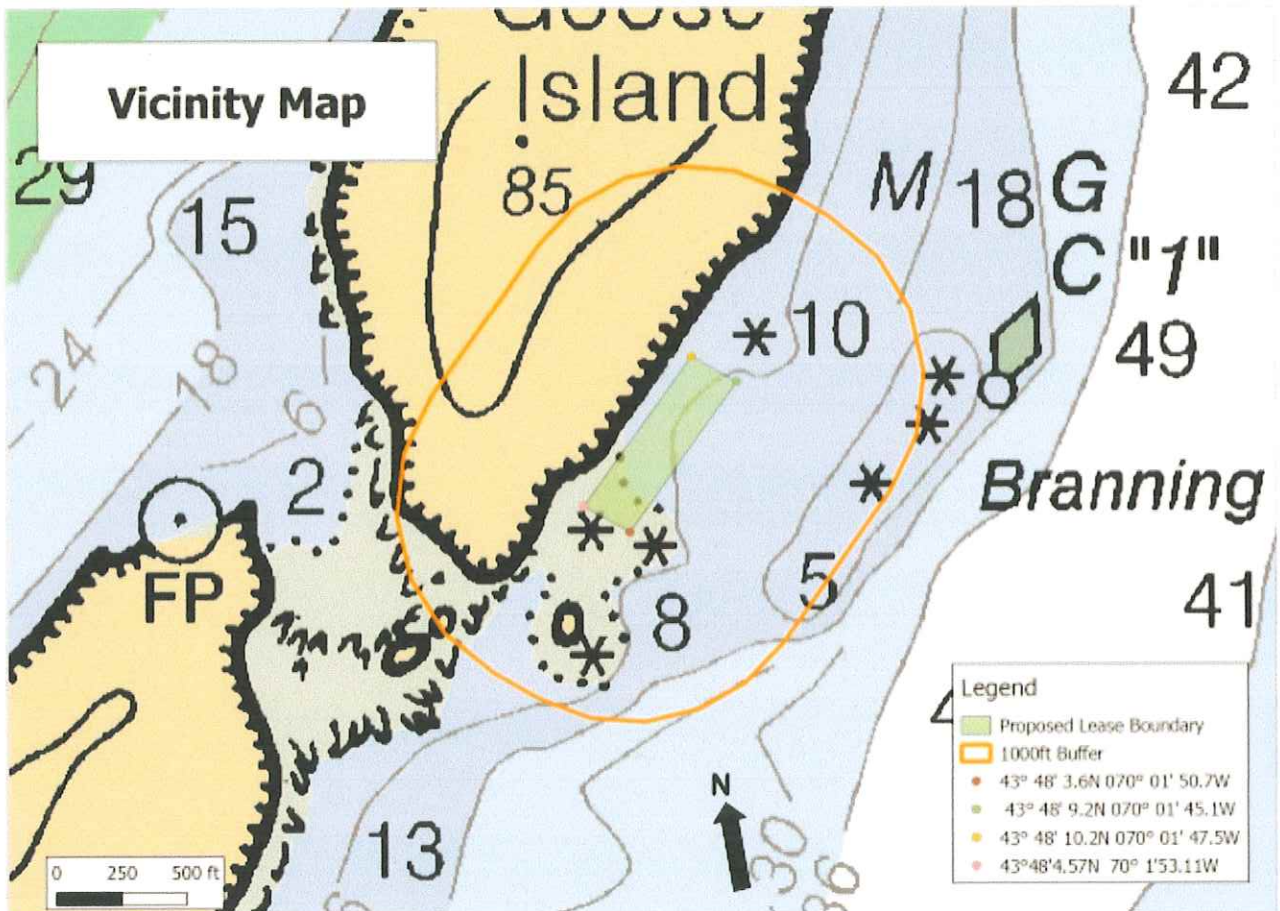
5. VICINITY MAP

Note: 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:

- 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



Note: Numbers on nautical chart 13290 represent mean low water. Mean high water is ~9ft above the listed numbers. Personal experience and satellite images of mean and extreme low tides indicate that the intertidal zone to the south west of the proposed lease site starts approximately 200ft further to the SW than is represented by the chart. See 20. Appendix 1.

6. BOUNDARY DRAWING

Note: Please label as: '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.



Note:

North corner at 43°48'10.2"N 70°01'47.5"W

East corner at 43°48'9.2"N 70°01'45.1"W

South corner at 43°48'3.6"N 70°01'50.7"W

West corner at 43°48'4.6"N 70°01'53.1"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”.

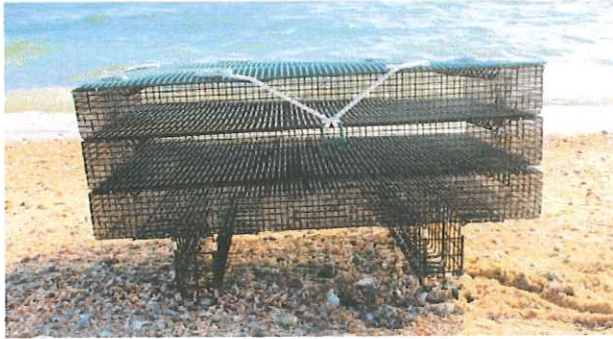
Note: You may embed the schematics within the document or attach them to the end of your application. If you attach the schematics, please label them according to the instructions provided below.

A. Gear Information

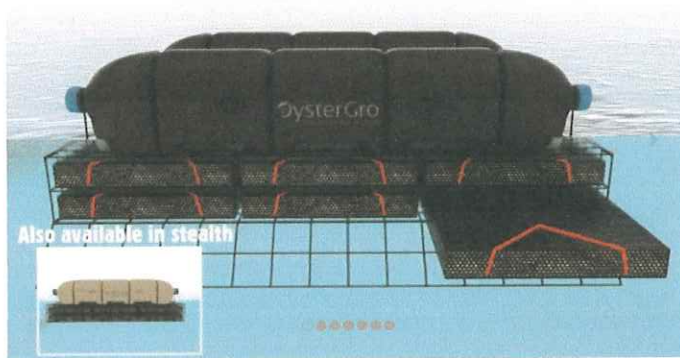
Directions: Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. Include units referenced (i.e. 10in, 10ft, etc.).

1. **Gear Drawing:** 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.

1) HDPE Mesh Bag (35”L x 18”W x 3”H)



2) 3-Stack Wire Oyster Trays (48”x36”x18”)



3) OysterGro floating 6-bag cages (60”L x 36”W x 24”H)



4) OysterGro floating 4-bag cages (41”L x 36”W x 24”H)

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.).

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
OysterGro floating 6-bag cages	60"x36"x24"	Year round	160 cages	American Oysters
HDPE Mesh Bags	35"x18"x3"	Year round	960 Bags	American Oysters
3-Stack Wire Oyster Trays	48"x36"x18"	Year round	20 Trays	American Oysters

B. Maximum Structure and Mooring System Schematic

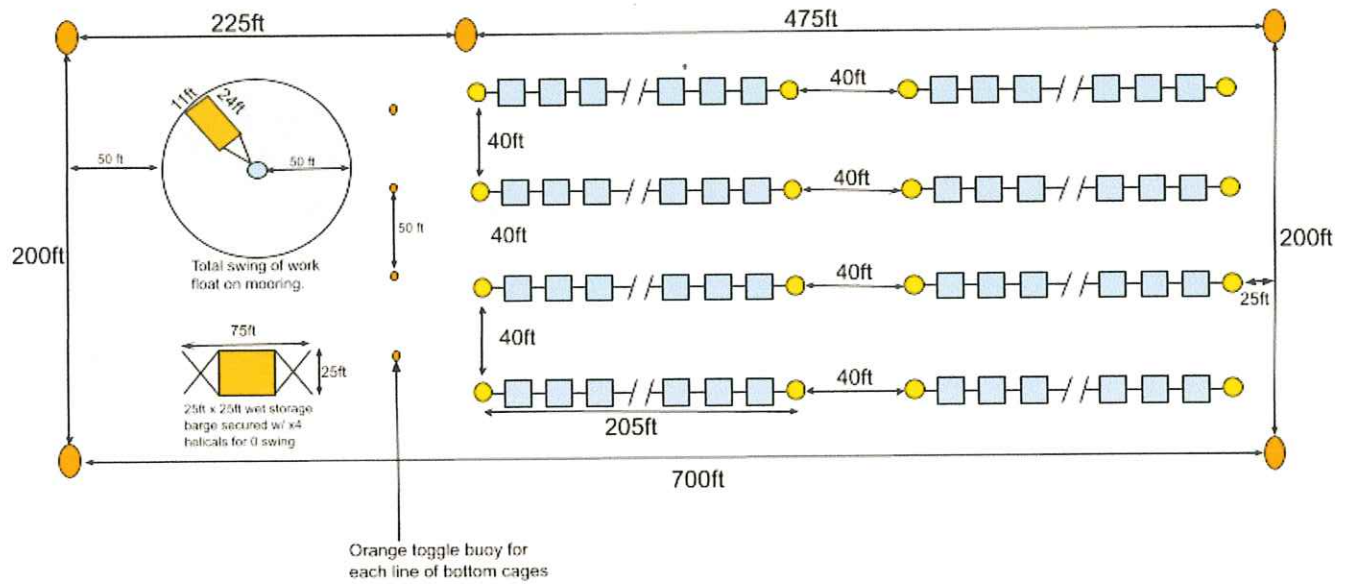
Directions: Include drawings of your maximum gear layout. Include units referenced (i.e. 10in, 10ft, etc.).

1. **Overhead View.** 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.

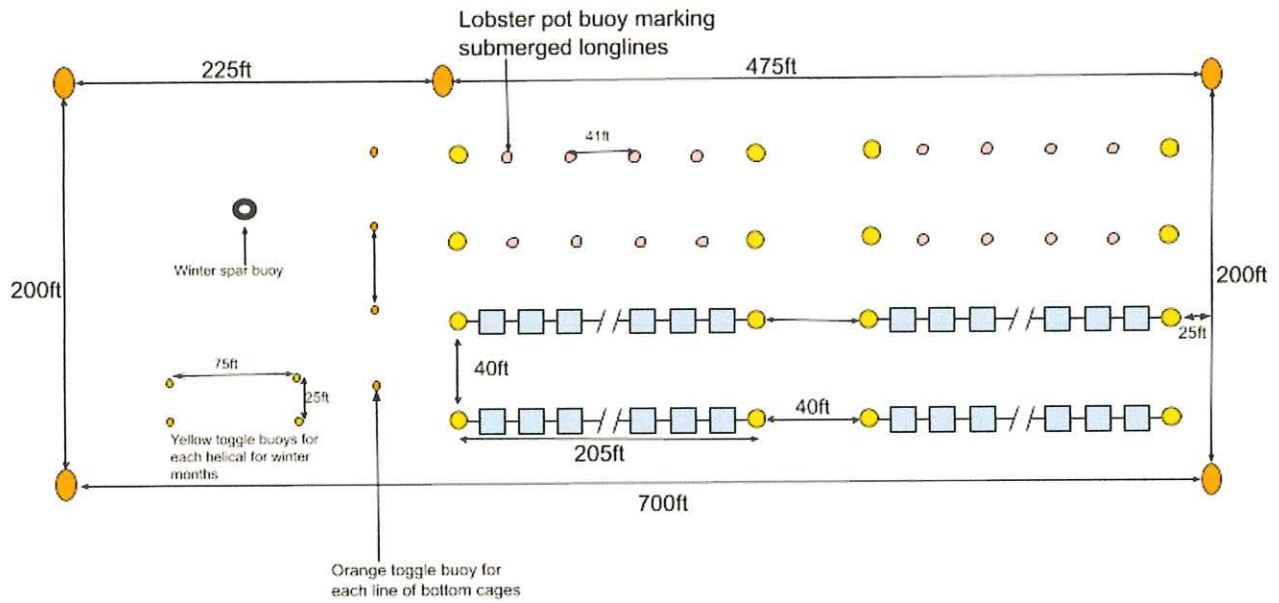
2. **Cross-Section View.** Please include the following and label as “Cross-Section View”:
 - The sea bottom.
 - Profile of gear in cross-section as it will be deployed.
 - Label gear with dimensions and materials.
 - Show mooring gear with mooring type, scope, hardware, and line type and size.
 - Depth 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).

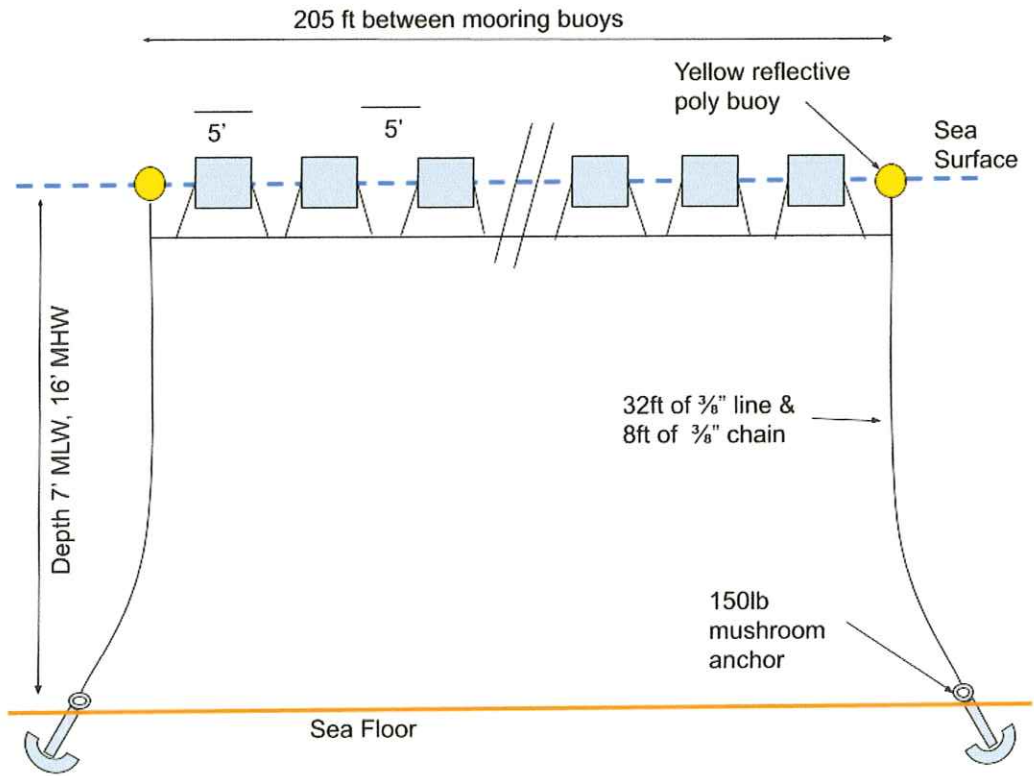
Overhead View (April through December): proposed lease site at full capacity is 8 lines of 20 OysterGro floating cages (either 6-bag or 4-bag cages), one 24'x10' work float, one 24'x24' wet-storage float, and 4 lines of 5 three-stack bottom trays.



Overhead View (December through April): *Both floats will be removed and four lines of cages submerged to mitigate storm and ice risk. Innermost 4 lines will be sunk in place and replaced with 205' growlines (and associated support buoys) seeded with sugar kelp*

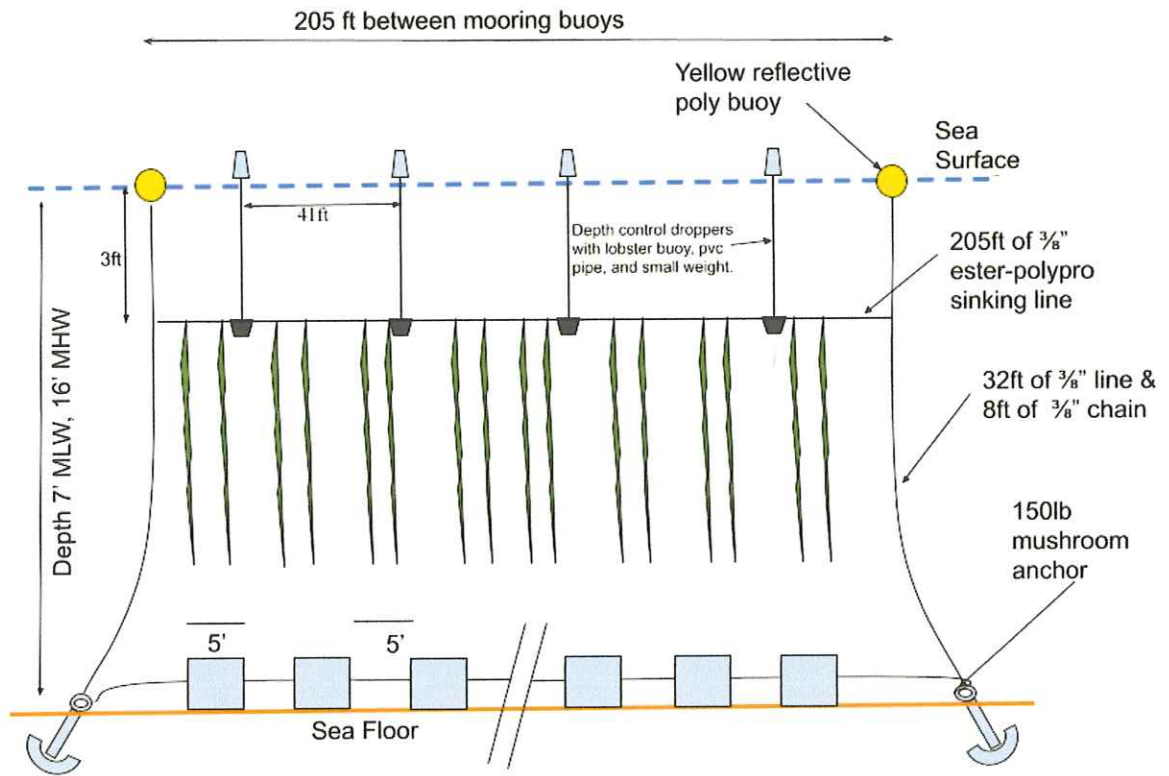


Cross-Section View: Floating Cage System (April-December)



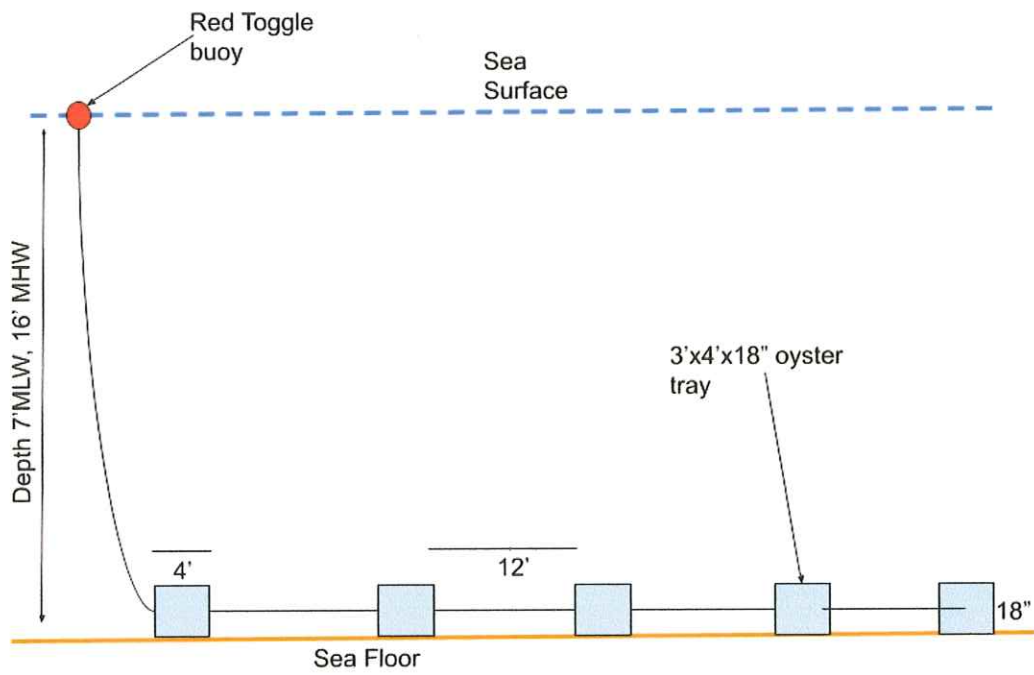
Note: Actual system will contain 8 lines of 20 OysterGro cages (either 6-bag or 4-bag cages) per line.

Cross-Section View: Submerged Cage System and Kelp grow-out system (December-April)



Note: Actual system will contain 8 lines of 20 OysterGro cages (either 6-bag or 4-bag cages) per line.

Cross-Section View: Wire Tray systems (Year-round)



Note: Actual system will contain 4 lines of 5 3-stack trays per line.

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.

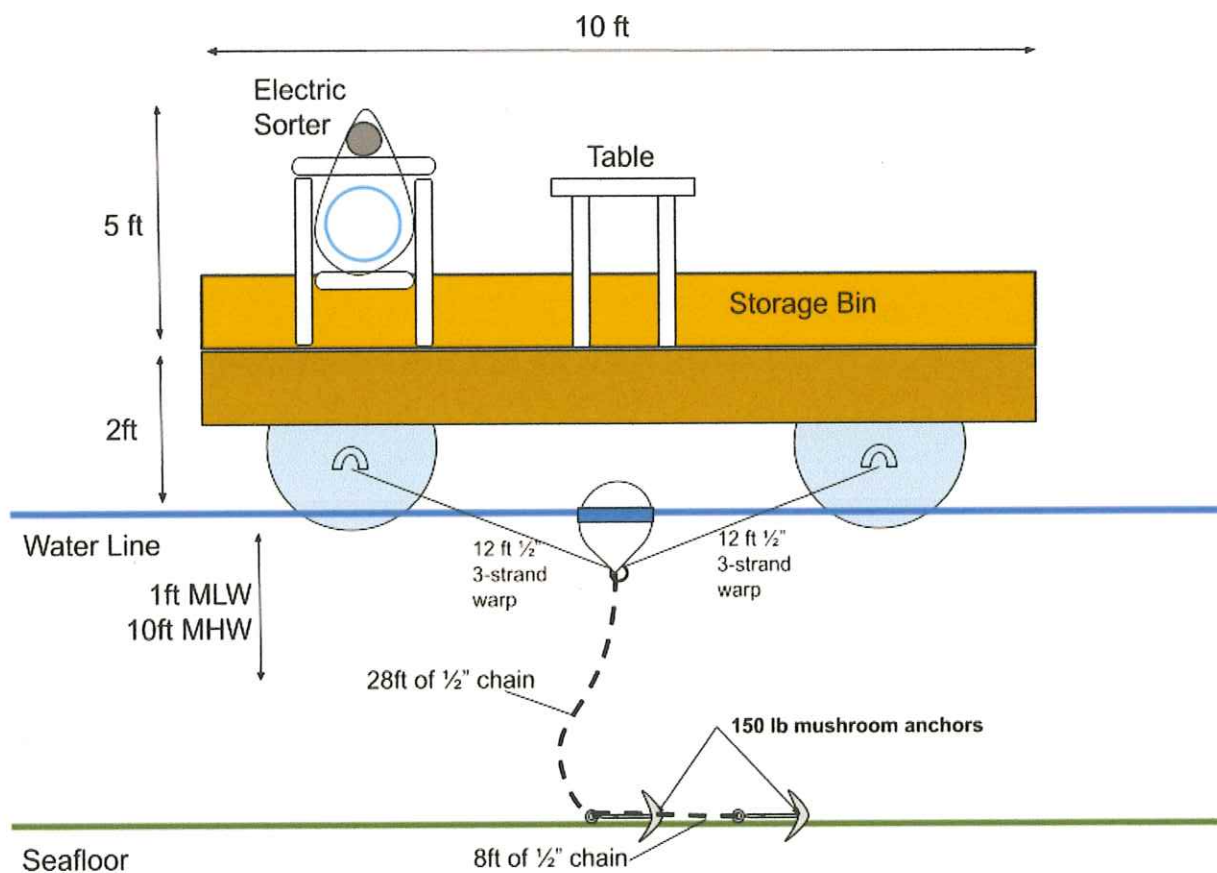
One 10' x 24' work float will be located onsite and sit approximately 2' above sea level. On the float will reside a table, an electric sorter, and a storage bin.

One 24' x 24' wetsorage float with 6' x 6' x 4' wire cages submerged descending from the deck of the float.

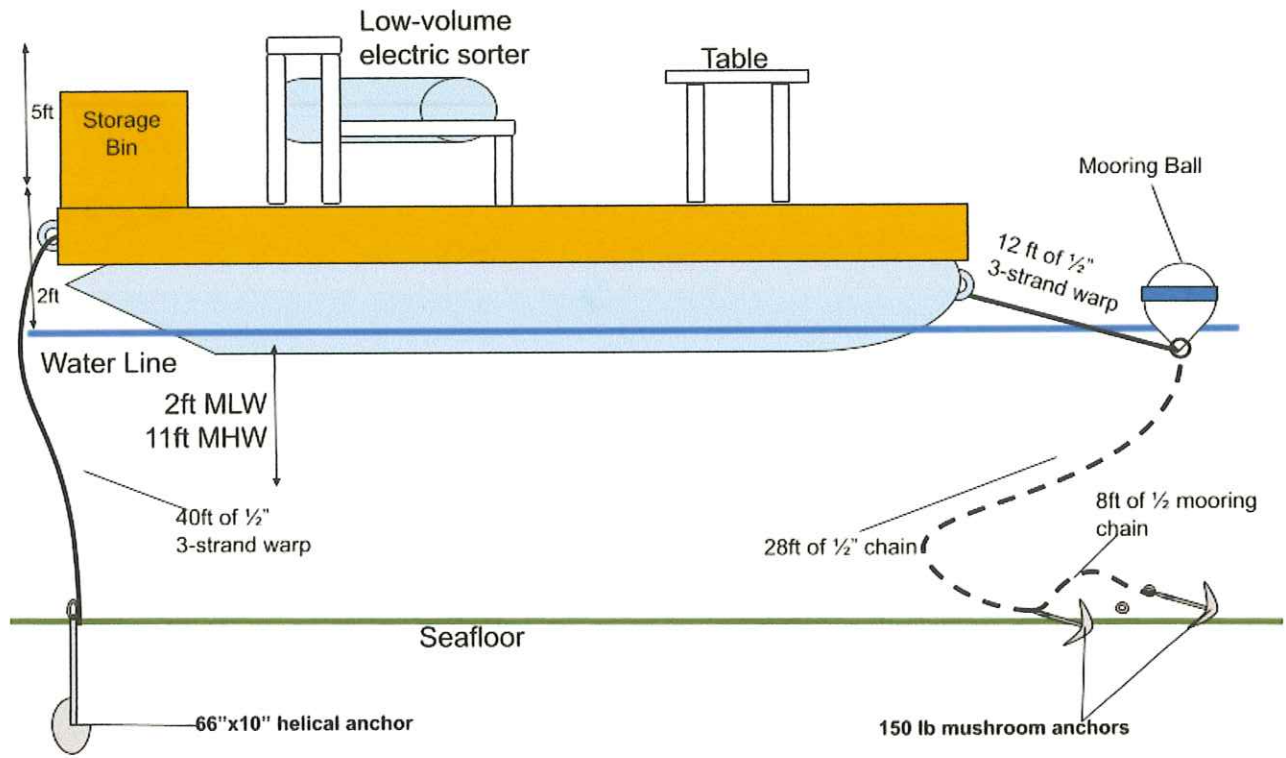
2. Describe the storage and use of oil, gasoline, or other hazardous materials on site. If petroleum products are to be stored on site, provide a spill prevention plan.

N/A. No petroleum products will be stored onsite.

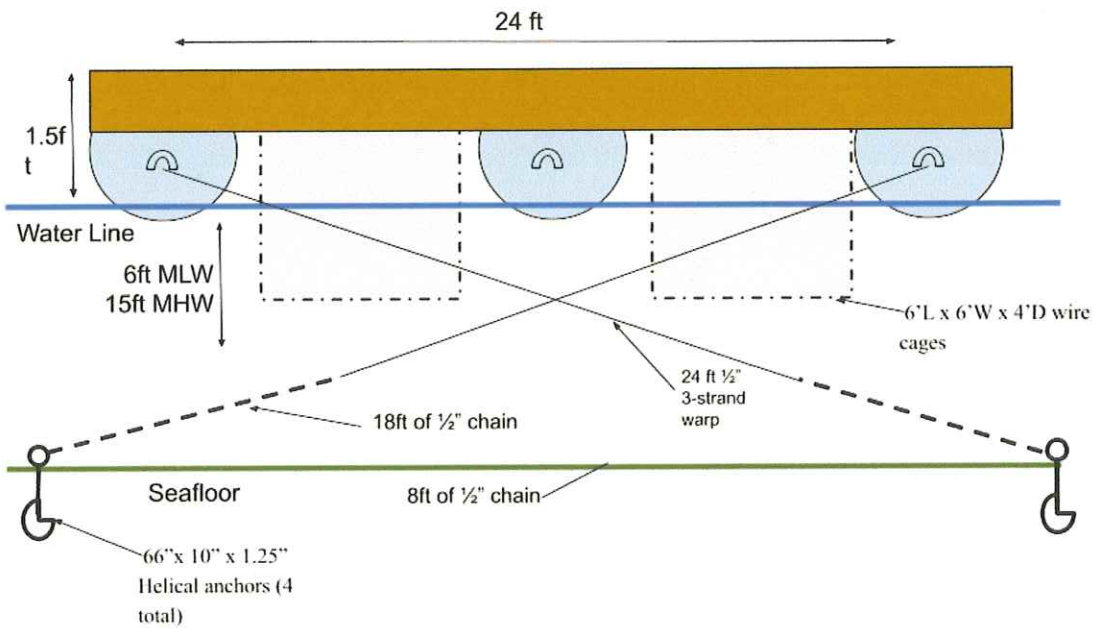
Work Float Schematic - Head On Profile:



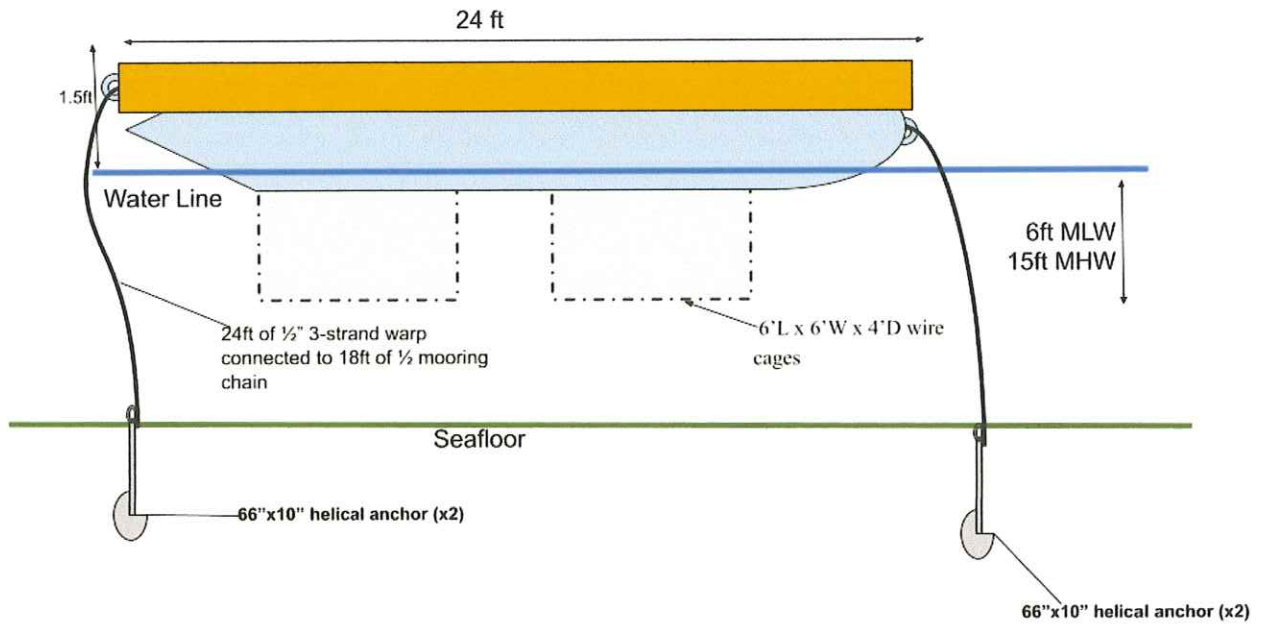
Work Float Schematic - Side Profile:



Wet-Storage Float Schematic - Head On Profile:



Wet-storage Float Schematic - Side Profile:



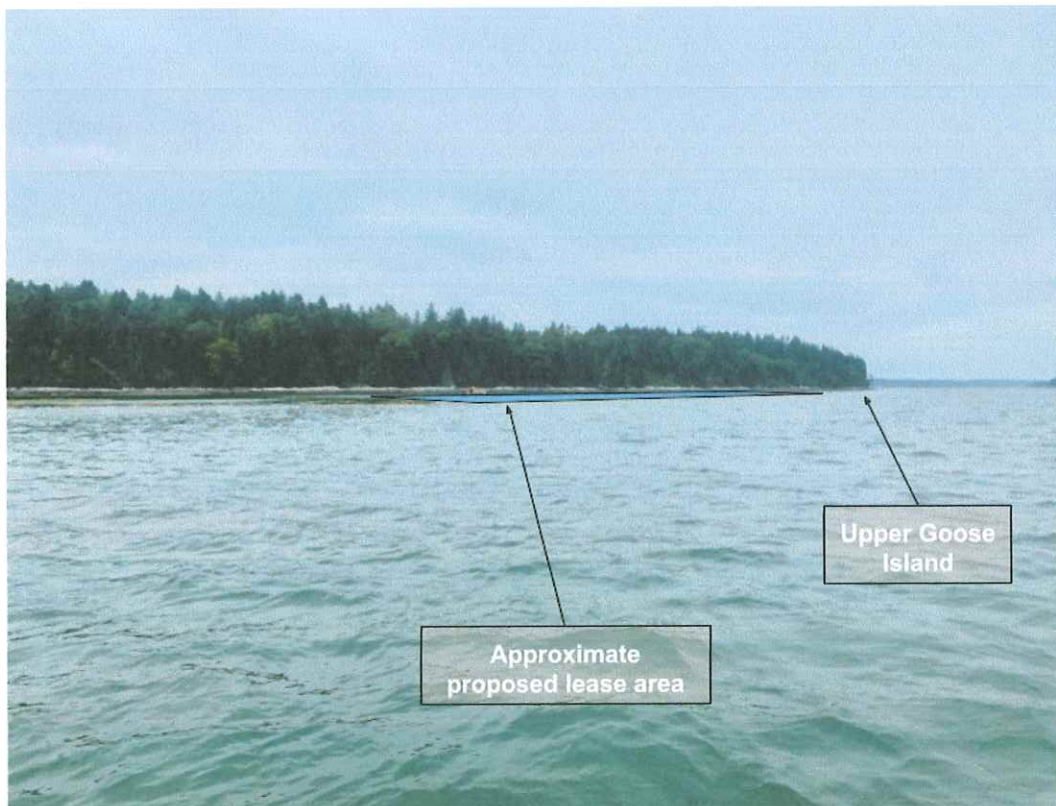
D. Gear Color

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

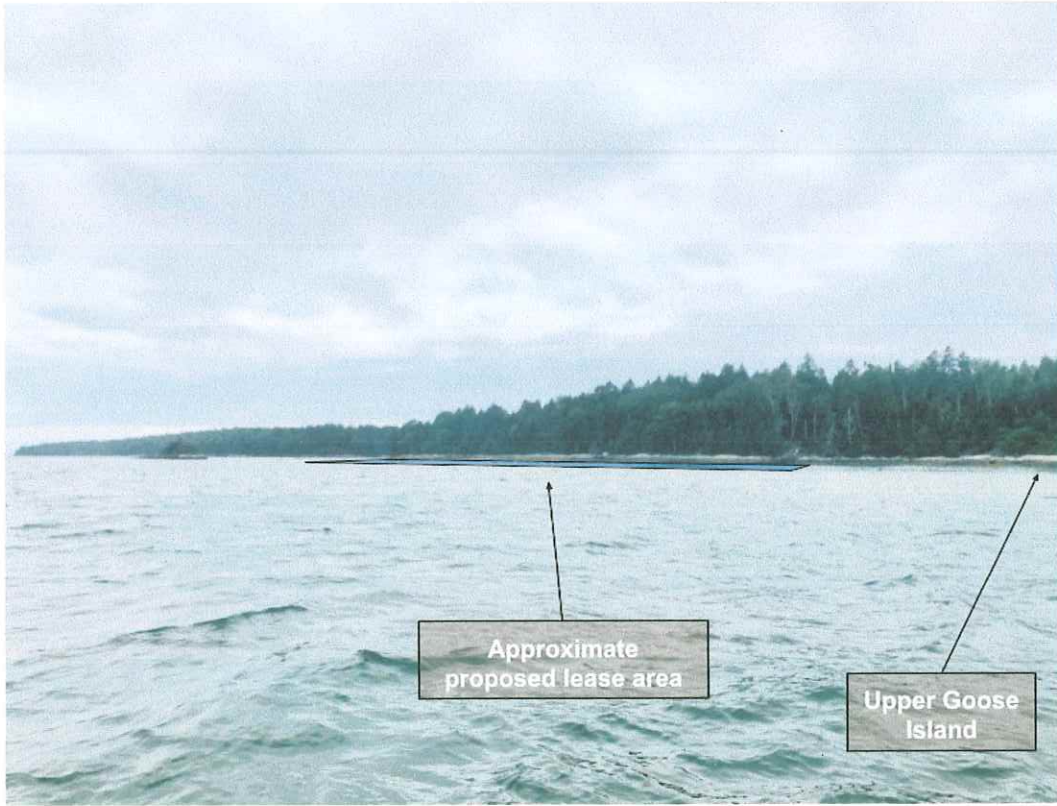
Lease boundary markers will be bright orange with reflective tape and the words "SEA FARM" printed at least two inches in height. Mooring buoys for each line will be bright yellow and gear (including cages, floats, and bags) will be black or gray. Lobster buoys for kelp line support will be all white.

E. Equipment Layout

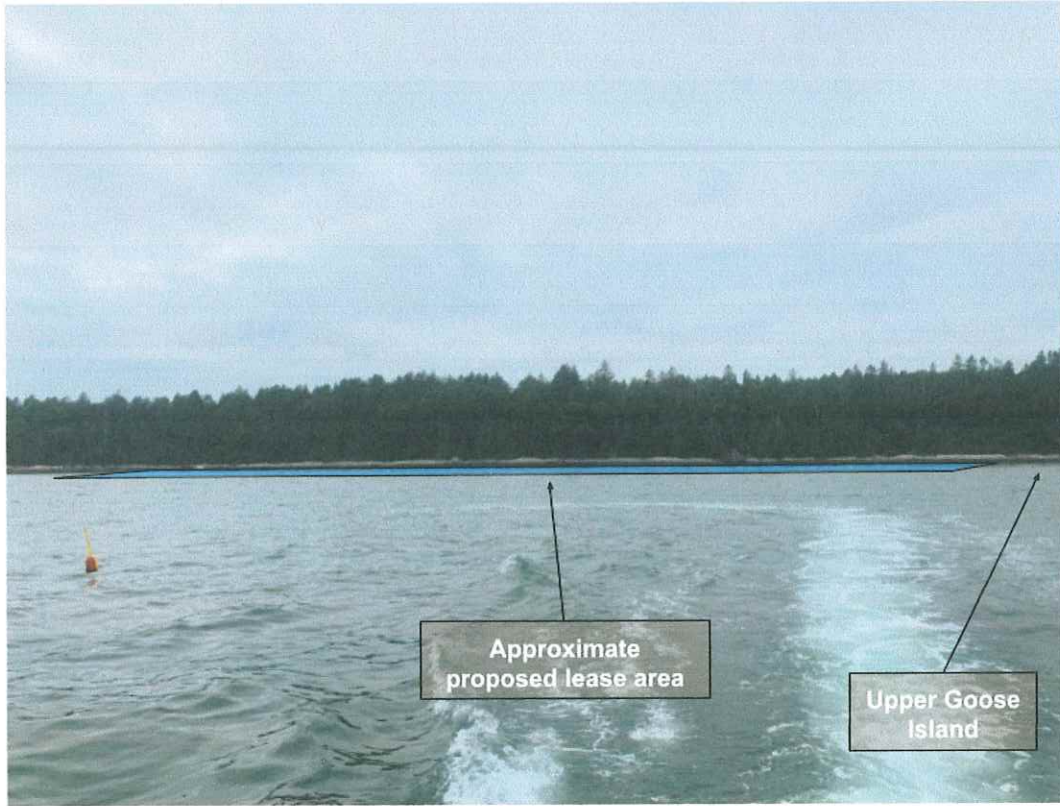
Provide schematic or photographic renderings of the generalized layout of the equipment as depicted from two vantage points on the water. Provide the locations of the two vantage points.



Vantage point 1. Looking Northwest from 43°47'59.37"N, 70°01'50.49"W toward Upper Goose Island



Vantage point 2. Looking Southwest from 43°48'9..70"N, 70°01'40.94"W toward Upper Goose Island



Vantage point 3. Looking West from 43°48'4.90"N, 70°01'43.05"W toward Upper Goose Island

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.

X 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 ((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.

Oysters will either be seeded (loaded into bags) with 9-13mm seed from one of the certified hatcheries listed in 4A during the month of July, or they will be moved from another proposed lease site (currently under review with the DMR) which is within the same LPA health zone.

Kelp will be seeded on grow-out lines as soon as cages are submerged (early December). This will happen only once per year.

B. Please explain your proposed tending/maintenance activities.

Oysters will be culled, counted, and cleaned onsite. Cages will be flipped weekly to minimize fouling. An electric sorter will be used to sort oysters into like sizes. All gear (including lines, anchors, cages, bags, etc.) will be inspected regularly and maintained in good working order.

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

We will be onsite 3-5 days per week.

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

Oysters will be harvested directly from cages by hand.

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

We will be onsite for harvesting 1-3 days per week.

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.

Mid December through mid-April, the two floats will be stored on land and four out of eight lines will be sunk to bottom for overwintering. Four kelp lines will be installed above the 4 submerged lines as described above.

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.

NA, we will not be employing any predator / bird deterrents.

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?

The primary vessel is a 19' Carolina Skiff powered by a 50hp four-stroke Honda outboard that will be at the site 3-5 days per week. A 23' Seaway powered by a 115 horse, four-stroke Mercury will be onsite early and late season to help haul gear.

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?

An electric tube sorter will be used onsite for approximately 3-6 hours, once or twice per week. The only other power equipment used on the site will be the outboard boat motors for the 19' Carolina Skiff and the 23' Seaway.

Occasionally (0-3 times per week), we will use a gas powered (5hp four stroke honda) washdown pump for cleaning of oysters, boats, or deck space. These uses last ~3-10 minutes.

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

Boat engines will be turned off whenever possible to conserve fuel and reduce noise. The sorter is powered by a small, quiet electric motor that makes almost no noise at all. Both sorter tubes are plastic rather than metal, which helps reduce noise as well.

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.

N/A. No lights are proposed onsite.

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

N/A. There is no circumstance that would require work beyond daylight hours.

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.

Love Point Oysters currently operates a 2.86 acre Experimental Lease (MID GIx) in Middle Bay in Harpswell. At this location, oysters are cultivated in floating cages from April through December and overwintered on the seafloor from January through March.

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.

MID GIx would be relinquished if this proposed lease is granted.

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?

Mean low water depth is 7ft.

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

Mean high water depth is 16ft.

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

Approximate current speed is 0-2 knots with a flow moving south-north and an ebb moving north-south.

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 primarily of mud with some sand and shell fragments.

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

The bottom topography gradually slopes downward from west to east.

<p>3. Describe marine organisms by species or common names. Based on your personal observations or other sources of information, are these species abundant, common, or rare?</p>
<p>The following organisms have been <u>commonly</u> observed onsite in the past 12 months: periwinkles, rock crabs, green crabs, rock gunwales, and sea stars. Less common are European Oysters.</p>
<p>4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</p>
<p>N/A</p>
<p>5. Describe the presence and extent of submerged aquatic vegetation, i.e. eelgrass, within the proposed lease area. Please include the date of this observation along with the method of observation. If submerged aquatic vegetation is observed, please also describe the abundance below and sketch the limits of the beds in the vicinity map.</p>
<p>Two eelgrass beds were observed within the proposed lease boundaries in July of 2018. Since then, visual observations have been made monthly from the skiff at low tide and by scuba diving. Only the southeastern eelgrass bed remains and is approximately 30 feet from proposed gear.</p>
<p>6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)</p>
<p>The nearest shoreline is rocky and the upland is heavily wooded conservation land owned by The Nature Conservancy.</p>

<p>E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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Note: The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

If a project is located within an Essential Habitat, applicants are strongly encouraged to contact

the MDIFW Environmental Review Coordinator (John.Perry@maine.gov, phone: 207-287-5254) prior to application submission.

12. EXISTING USES

<p>A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year c) frequency and d) proximity to the lease site for each existing use.</p>
<p>1. Commercial Fishing</p> <p>From June through November, one lobsterman occasionally fishes one string along the eastern boundary of the proposed lease site. Most of the commercial lobstering takes place on the other side of the hazardous ledge and in the deeper navigational channel to the east of the proposed site.</p>
<p>2. Recreational Fishing</p> <p>Occasional recreational fishing occurs in and around the proposed site in June, July, and August.</p>
<p>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)</p> <p>Due to shallow depths and hazardous ledges, most recreational boaters avoid this area.</p>
<p>4. Ingress and egress (i.e. coming and going) of shorefront property owners within 1,000 feet of the proposal (e.g. docks, moorings, landing boats on shore, etc.)</p> <p>N/A. Upper Goose Island is conservation land that rarely sees any visitors. There are two private land easements on the west side of the island, and their ingress/egress is not affected by our proposed activities.</p>
<p>5. Other uses (kayaking, swimming, etc.)</p> <p>Occasional kayaking from June through September.</p>

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

N/A. There are no private docks, moorings, or other access points within 1,000 feet.

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.

N/A. There are no public beaches, parks, docking facilities, or municipally conserved lands within 1,000 feet.

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>

Yes, These LPAs are issued to the two owner/operators of Love Point Oysters, Ben Hamilton and Cameron Barner. They are:

BHAM121
BHAM221
CBAR121

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.

The site will not be exclusive of any of the other activities mentioned in the 'Existing Uses' section of this application.

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>

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?

The proposed site will be accessed by boat, which will either be moored in the Harraseeket River or trailered to a public boat launch.

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

The proposed activities will not affect riparian ingress and egress.

RIPARIAN LANDOWNER LIST

****THIS LIST MUST BE CERTIFIED****

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

TOWN OF:

MAP #	LOT #	Landowner name(s) and address(es)
78	6	KAUFHOLZ CHRISTOPHER F & DAVID F 208 HILAND TERRACE FRANKLIN, NC 28734
78	2	NATURE CONSERVANCY 14 MAINE STREET SUITE 401 BRUNSWICK, ME 04011
77	27	CAMP LAWRENCE TRUST & JOHN R C/O WILLIAM LAWRENCE 807 DRESHER LANE WAYNE, PA 19087

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Town Clerk for the Town of HARPSWELL 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: Catherine Doughty DATE: 10-27-2021



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.

Ben Hamilton has over 4 years of experience farming oysters in both suspended culture systems and bottom culture. Ben started the Love Point Oyster farm in September of 2017 and has been steadily growing the farm since then. He also gained valuable experience while working for Pemaquid Oyster Company during the summer of 2018 and participating in GMRI / CEI's Aquaculture Top Gun Program.

Cameron Barner has over 5 years of oyster farming experience. Cameron has been working with Love Point Oysters since April of 2019. Prior to this he farmed for Nonesuch Oysters in Scarborough, ME during the summer of 2014 and Island Creek Oysters in Duxbury, MA for two years between 2016 and 2018. Cameron the 2018/19 academic year earning a Masters degree in Aquaculture from the University of Miami's Rosenstiel School of Marine and Atmospheric Science. While in school he garnered valuable experience and information by working in the University's experimental hatchery, and through courses such as *Legal Environment and Business Planning in Aquaculture* and *Aquaculture Technology and Production*.

Together, Ben and Cameron have steadily grown Love Point Oysters into a self-sustaining small business that grows a small amount of premium oysters and sells to over a dozen restaurants, as well as directly to consumers. Ideally, this standard lease will allow Love Point Oysters to sustain well into the future.

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.

Please see the letter from Bank of America.

B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.

At capacity the proposed aquaculture activities would cost approximately \$33,000.

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) Ben Hamilton 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.

, Principal
Applicant Signature

8/11/21
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) Cameron Barner 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.

 Principal
Applicant Signature

8/11/21
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: Ben Hamilton

Title (if corporate applicant): Principal

Signature:  Date: 8/11/21

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

Note:

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

Additional Applicant:

Printed name: Cameron Barner

Title (if corporate applicant): Principal

Signature:  Date: 8/11/21

19. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS (if applicable)

Directions: If any portion of the site is intertidal, you need to complete the steps outlined below.

Step I: Obtain written permission from all intertidal landowners.

Pursuant to DMR Regulations Chapter 2.10(3)(G) the Department requires *written permission of every owner of intertidal land in, on, or over which the 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.

Does the municipality, where the proposed site is located, have a shellfish conservation program? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

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

Note to Applicants:

As you prepare your standard lease application for submission, please review the information below. It is intended to provide you with a general overview of when DMR communicates with applicants during the leasing process. It also includes answers to some frequently asked questions as they pertain to application processing.

When Will I Hear from DMR Regarding My Standard Lease Application?

Unless otherwise specified, DMR communicates with applicants via email. Please monitor any email address listed on your application on a regular basis. DMR communicates with standard lease applicants at specific times during the application review process, and you can expect to hear from DMR at the following times:

- 1. When your draft application is reviewed for completeness**
 - DMR strives to review draft applications within 30 days of receipt. However, you may be asked to submit additional materials or clarify aspects of your draft application, and this can lengthen the time it may take for a draft application to be reviewed.
 - DMR will notify you when the draft application can move forward to a scoping session.
- 2. When your final application is ‘deemed complete’**
 - DMR strives to review applications within 30 days of receipt. However, you may be asked to submit additional materials or clarify aspects of your application, and this can lengthen the time it may take for an application to be deemed complete.
- 3. After DMR conducts the site visit a copy of the site report will be sent to you**
 - DMR conducts site visits for applications in the order they are deemed complete. However, the time of year, weather, and your proposed operations are all factors that may determine when site visits occur.
 - Site visits are scheduled and conducted at the discretion of DMR staff. Applicants are usually not present during site visits.
- 4. After the site visit has been conducted and the site report is compiled, DMR will contact you about scheduling the public hearing on your application.**
- 5. A copy of the draft decision will be sent to you for review and comment**
- 6. Should a lease be granted, there will be additional communications regarding the execution of your lease.**

Communications between an applicant and DMR tend to be more frequent during the application review period. Once an application has been deemed complete, communications become less frequent because the proposal is moving through the leasing process. Although DMR’s communication with an applicant may become less frequent, applicants should feel free to contact DMR regarding the status of their proposal.

FAQs-Application Process

Why do I have to submit a “draft application?”

DMR regulations provide that before applicants can schedule a scoping session, they must provide DMR

with a draft lease application. Compiling a draft application helps you think through the important elements of your proposed operations. It also provides members of the public and other stakeholders with a tangible document that they can review and provide feedback on during the scoping session.

DMR will review your draft application and let you know when you can move forward with scheduling a scoping session.

What if, after the scoping session, I don't want to make any changes to the draft application?

If you don't want to make any changes to your draft application, you are still responsible for submitting the following prior to DMR's review of your "final application":

- Submit a new cover page (pg. 1 of this document) and applicant signature page (page 19 of this document) with a copy of the tear sheet advertising the scoping session and the final application fee.

DMR will not review a final application until all items listed above are received.

How does DMR staff review applications (applies to both draft and final applications)?

Applications are reviewed by DMR staff, in the order they are received, at regularly scheduled intervals. DMR staff are reviewing applications to make sure that they contain the requisite information and clearly answer the questions that are being asked. If items are missing or need further clarification, DMR will send you an incomplete letter, which specifies the elements of your application in need of modification. The letter will also include resubmission instructions.

DMR will then review any of the new information or materials you provide. Another incomplete letter may be sent if the additional information or materials need further clarification.

My final application was deemed complete. What does that mean?

The designation "deemed complete" means that the application contains the necessary information for further processing. It does not mean that the proposal will be granted.

How long does the leasing process take?

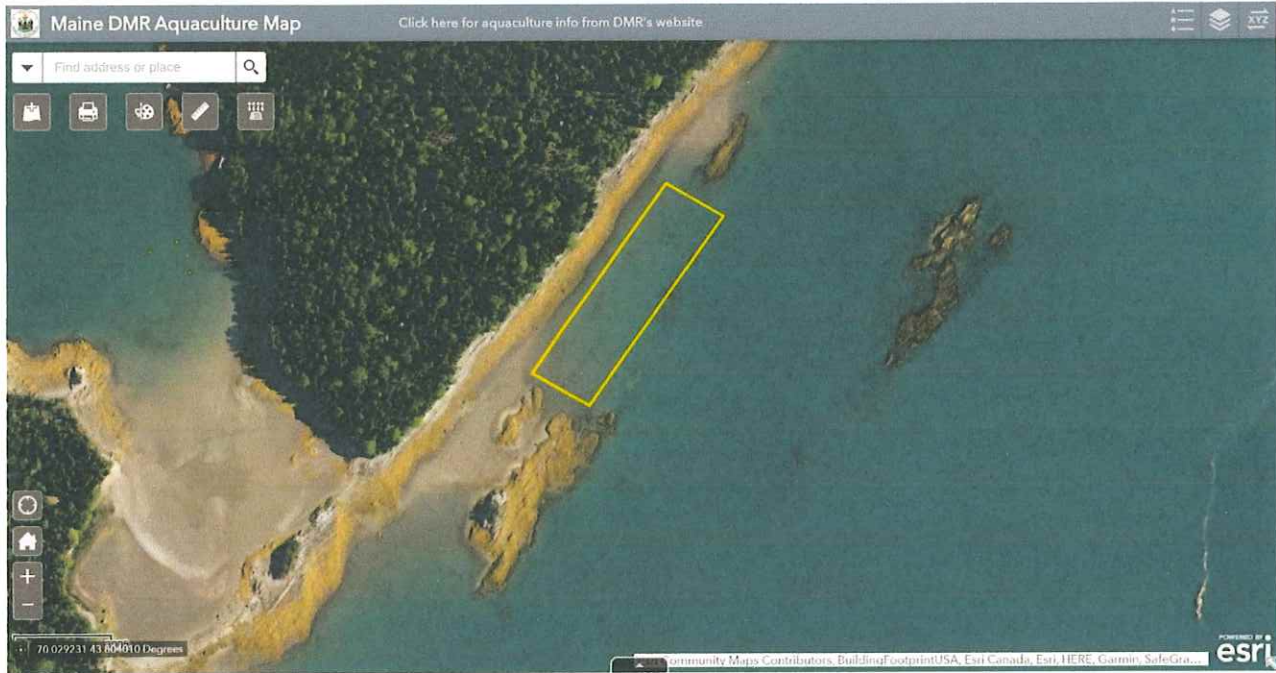
It depends on a variety of factors including the number of applications currently in process, the time of year an application is deemed complete in consideration of proposed operations, and the complexity of issues raised at a public hearing. These types of factors make it difficult to determine when a final decision on your proposal may be rendered.

When will my lease be granted?

Please note that applying for a lease is not a guarantee that your proposal will be granted. DMR will process your application and render a final decision on the proposal based on applicable evidence as it relates to the lease decision criteria. DMR will send you a copy of the draft proposed decision, which will either grant, or deny the proposal. DMR may also grant the proposal with modifications.

The leasing process is designed to serve multiple stakeholder groups, who all utilize Maine's coastal waters for a variety of different purposes and is intended to provide all stakeholder groups with the opportunity to provide feedback on your proposal. If you have questions about applying for a lease, please contact DMR at DMRaquaculture@maine.gov or 624-6567.

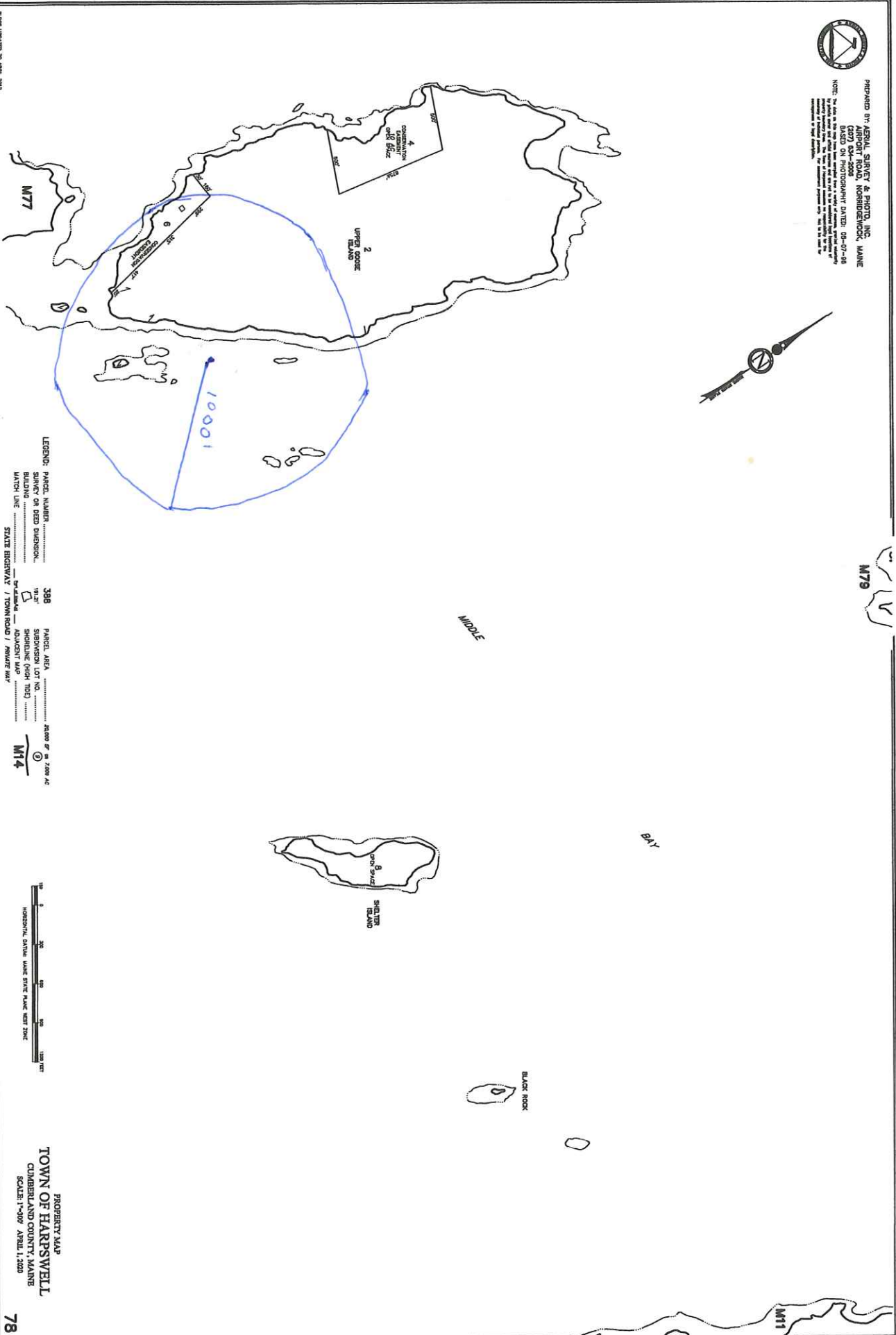
20. APPENDIX 1: LOW TIDE IMAGERY



Satellite image taken of the proposed lease site at low tide on June 17th, 2018. The daytime low on this date was -1.4ft. Representing a low water line that is 1.4ft lower than the mean.



Prepared by: AERIAL SURVEY & PHOTO, INC.
 6077 BVA-2008
 BASED ON PHOTOGRAPHY DATED: 06-07-98
 NOTE: This map is based on aerial photography and is not a legal document. It is intended for informational purposes only. The information on this map is not to be used for legal purposes. The information on this map is not to be used for legal purposes.



LEGEND: PARCEL NUMBER 388
 SURVEY OR DEED DIMENSION 1000 AC
 MATCH LINE STATE HIGHWAY / TOWN ROAD / PRIVATE WAY



PROPERTY MAP
 TOWN OF HARPSWELL
 CUMBERLAND COUNTY, MAINE
 SCALE: 1"=200' APRIL 1, 2009


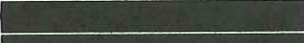

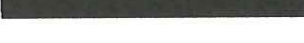
Labels updated to April, 2013

Michael J. Wallwork
Bank of America, N.A.
848 Islington St
Portsmouth, NH 03801
August 10th, 2021

LOVE POINT OYSTERS, LLC
25 LOOKOUT DR
FREEPORT ME 040326272

To Whom It May Concern:

I am writing to confirm that LOVE POINT OYSTERS, LLC has the following open and active checking account at Bank of America and that the account is in good standing. Please let me know if you have any questions.

DDA: 
ACH Routing: 
Wire Routing: 
SWIFT CODE: 

Sincerely,



Michael J. Wallwork
VP, Small Business Banker
603.406.4429



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: **Love Point Oysters, LLC**
- 2. Date of incorporation: **09/26/2017** State of incorporation: **Maine**

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

Name	Address	Title
Cameron Barner	46 Howard St, Apt 2 Portland, ME 04101	Principal
Ben Hamilton	25 Lookout Drive Freeport, ME 04078	Principal

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

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

Name	Address

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.

-Cameron Barner has applied for two standard leases in Freeport, ME, both of which are pending.

-Ben Hamilton has previously applied for an experimental lease MID GIx, which is currently active.

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
Cameron Barner	46 Howard St, Apt 2 Portland, ME 04101	50%
Ben Hamilton	25 Lookout Drive Freeport, ME 04078	50%

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
Cameron Barner	46 Howard St, Apt 2 Portland, ME 04101	MIDGIx	2.86
Ben Hamilton	25 Lookout Drive Freeport, ME 04078	MIDGIx	2.86

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.

STATE OF MAINE
Department of the Secretary of State
Bureau of Corporations, Elections and Commissions
101 State House Station
Augusta, Maine 04333-0101

September 26, 2017

BENJAMIN HAMILTON
LOVE POINT OYSTERS, LLC
25 LOOKOUT DRIVE
FREEPORT ME 04032

ATTESTED COPIES
WR DCN: 2172682270011

Enclosed please find copies of documents recently placed on file with our office. Each copy has been attested as a true copy of the original and serves as your evidence of filing. We recommend that you retain these permanently with your records.

Charter#: 20181490DC Legal Name: LOVE POINT OYSTERS, LLC

CERTIFICATE OF FORMATION

DCN: 2172682270012 Page(s) 2

Total Pages 2

MAINE
LIMITED LIABILITY COMPANY

STATE OF MAINE


CERTIFICATE OF FORMATION

Filing Fee \$175.00

File No. 20181490DC Pages 2
Fee Paid \$ 175
DCN 2172682270012 DLLC
-----FILED-----
09/20/2017


Deputy Secretary of State

A True Copy When Attested By Signature


Deputy Secretary of State

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

FIRST: The name of the limited liability company is:

Love Point Oysters, 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)

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

Benjamin Hamilton

(Name of noncommercial registered agent)

25 Lookout Drive, Freeport, ME 04032

(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 9/17/2017



(Signature of authorized person)

Benjamin Hamilton

(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