

STANDARD LEASE APPLICATION: NON-DISCHARGE

1. APPLICANT CONTACT INFORMATION

Applicant	The Flying Place Limited Liability Company		
Contact Person	Wendell Bradford		
Address	P.O. Box 187		
City	Beals		
State, Zip	Maine, 04611		
County	Washington		
Telephone	207-497-2261		
Email	wbradford@accarverinc.com		
Type of Application	<input checked="" type="checkbox"/> Draft Application [submitted before scoping session session]		<input type="checkbox"/> Final Application [submitted after scoping session]
Dates	Pre-Application Meeting: 02/17/22	Draft Application #1 Submitted: 4/08/22 Draft Application#2: 5/13/22 Draft Application#3: 6/10/22	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	Beals
Waterbody	Flying Place Pound
General Description (e.g. south of B Island)	West of Beals-Great Wass Causeway
Lease Information	
Total acreage requested (100-acre maximum)	5.57 acres
Lease term requested (20-year maximum)	20 years
Type of culture (check all that apply)	<input checked="" type="checkbox"/> Bottom (no gear) <input checked="" type="checkbox"/> Suspended (gear in the water and/or on the bottom)
Is any portion of the proposed lease site above mean low water?	<input checked="" type="checkbox"/> Yes <input 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):	EN
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

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. Eastern oyster, <i>Crassostrea virginica</i>	Downeast Research Institute 39 Wildflower Lane Beals, ME 04611 Muscongus Bay Aquaculture 24 Seal Ledge Lane Bremen, ME 04551 Mook Sea Farm 321 State Rte. 129 Walpole, ME 04573	3,000,000
2. Atlantic sea scallop, <i>Placopecten magellanicus</i>	Wild Downeast Research Institute 39 Wildflower Lane Beals, ME 04611	500,000

B. Do you intend to possess, transport, or sell whole or roe-on scallops? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

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.

Coordinate Description

Datum= WGS 1984

*Starting from top NW point, see attached document labeled "Boundary Drawing"

- 1) 44.507713°N -67.601705°W (then 110' @ 108.82° to 2)
- 2) 44.507613°N -67.601308°W (then 157' @ 198.98° to 3)
- 3) 44.507210°N -67.601503°W (then 21' @ 172.04° to 4)
- 4) 44.507155°N -67.601490°W (then 70' @ 222.46° to 5)
- 5) 44.507010°N -67.601669°W (then 69' @ 168.81° to 6)
- 6) 44.506821°N -67.601616°W (then 79' @ 209.34° to 7)
- 7) 44.506633°N -67.601768°W (then 104' @ 171.50° to 8)
- 8) 44.506349°N -67.601709°W (then 53' @ 235.23° to 9)
- 9) 44.506268°N -67.601876°W (then 31' @ 278.94° to 10)

- 10) 44.506280°N -67.601985°W (then 39' @ 220.97° to 11)
- 11) 44.506206°N -67.602082°W (then 117' @ 140.99° to 12)
- 12) 44.505954°N -67.601802°W (then 259' @ 214.04° to 13)
- 13) 44.505365°N -67.602360°W (then 50' @ 317.70° to 14)
- 14) 44.505466°N -67.602490°W (then 56' @ 216.22° to 15)
- 15) 44.505338°N -67.602616°W (then 178' @ 300.24° to 16)
- 16) 44.505579°N -67.603209°W (then 157' @ 27.30° to 17)
- 17) 44.505970°N -67.602924°W (then 72' @ 299.21° to 18)
- 18) 44.506060°N -67.603163°W (then 92' @ 257.07° to 19)
- 19) 44.506000°N -67.603503°W (then 75' @ 336.46° to 20)
- 20) 44.506188°N -67.603614°W (then 148' @ 20.86° to 21)
- 21) 44.506564°N -67.603413°W (then 54' @ 348.54° to 22)
- 22) 44.506709°N -67.603450°W (then 193' @ 62.08° to 23)
- 23) 44.506952°N -67.602798°W (then 65' @ 140.69° to 24)
- 24) 44.506817°N -67.602633°W (then 67' @ 85.45° to 25)
- 25) 44.506832°N -67.602384°W (then 112' @ 27.78° to 26)
- 26) 44.507103°N -67.602183°W (then 31' to 329.59° to 27)
- 27) 44.507175°N -67.602245°W (then 90' to 18.46° to 28)
- 28) 44.507406°N -67.602135°W (then 192' @ 119.49° to 29)
- 29) 44.507461°N -67.602045°W (then 33' @ 3.08° to 30)
- 30) 44.507553°N -67.602038°W (then 105.44' @ 55.58° to 1)

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.
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 (e.g. <i>soft mesh bag</i>)	Dimensions (e.g. <i>16"x20"x2"</i>)	Time of year gear will be deployed (e.g. <i>Spring, Winter, etc.</i>)	Maximum amount of this gear type that will be deployed on the site (i.e. <i>200 cages, 100 lantern nets, etc.</i>)	Species that will be grown using this gear type
ADPI bags w/ floats	w/floats 18" x 32" x 6"	March-December	5,232 bags	Oysters
ADPI bags w/o floats	w/o floats 18" x 32"x 3"	November-April	5,232 bags	Oysters; Scallops
4-bag oyster ranch	40½" x 36" x 17"	Year-round	2,626 oyster ranches	Oysters
Lantern nets	49" x 20"	March-December	3,925 lantern nets	Scallops
Bottom Cage	45" x 36" x 22"	Year-round	2,626 cages	Oysters, Scallops
Lobster buoy	5"x 11"	Year-round	140 lobster buoys	n/a
Hard shell low drag buoy	6" x 13"	Year-round	8 hard shell buoys (corner markers)	n/a
Floating rope	3/8"	March-December	7,850 feet	n/a
Sinking rope	3/8"	Year-round	3,750 feet	n/a
Concrete block	40 lbs., 16" x 4" x 8"	Year-round	194 blocks	n/a

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).

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.
Floating shed formerly used for lobster-related work inside the pound will continue to be located on-site. See attached drawing labeled "On-Site Support Structure—Floating Shed."

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.
No oil, gasoline, or other hazardous materials will be stored on-site.

D. Gear Color

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

Oyster bags and floats will be black. Lobster buoys will be white and hard plastic buoys will be yellow. The floating shed is made of wood (brown) and tin (silver) with a black roof.

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.

See attached document titled "Equipment Layout."

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.

N/A

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: Oysters will be seeded directly into floating bags and floating oyster ranch cages in the months when oyster seed is or will be available for purchase from the hatcheries (April-October). Some oysters will be seeded directly onto the bottom of the pound, which may occur anytime between April-December depending on size. The timing of seed availability varies, thus seeding activities could occur anywhere between 1-7 days/week. The total number of days that will be spent seeding oysters is estimated to be up to 14, 8-12 hour work days annually.

Scallops: Scallops will be seeded into bags w/o floats, bottom cages, and directly on the bottom when seed is available (anticipated availability is April-September). Seeding activities may occur between 1-7 days/week, up to (7) 8-12 hour work days annually.

B. Please explain your proposed tending/maintenance activities.

Oysters: Tending/maintenance activities include flipping, shaking, and removing biofouling from floating bags and floating oyster ranch cages, in addition to regularly sorting oysters by size. Tending and maintenance activities also include checking lines and moorings, in addition to seasonal movement of gear between the bottom and surface.

Scallops: Tending/maintenance activities include removing biofouling from bags w/o floats, bottom cages, lantern nets, in addition to sorting scallops by size. Tending and maintenance activities also include checking lines and moorings.

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

Oysters: Routine tending/maintenance may occur up to 7 days/week (up to 12 hours day) between April-December. During the overwintering period of January-March, tending/maintenance activities are expected to occur less frequently and require less time. Work may occur 4 days/week (up to 8 hours day) during this time period.

Scallops: Routine tending/maintenance may occur up to 7 days/week (up to 12 hours day) between April-December. During the overwintering period of January-March, tending/maintenance activities are expected to occur less frequently and require less time. Work may occur 4 days/week (up to 8 hours day) during this time period.

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

Oysters: Harvesting techniques consist of moving oysters from floating and/or submerged bags and floating oyster ranch cages into a harvest basket or fish tote for sorting and processing. Hand picking and hand raking methods will be used to harvest bottom seeded oysters.

Scallops: Harvest techniques consist of removing scallops from bags w/o floats, bottom cages, and lantern nets and placing into a harvest basket or fish tote for sorting and processing. Scallops will be harvested by hand picking, hand raking, scuba diving, snorkeling, and small drag (34" x 10").

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

Oysters: We will be on-site up to 7 days/week (up to 8 hours at a time) to harvest oysters from the site, except in the case of icing conditions which would likely occur from January-March. When icing occurs in the pound, we will not be actively harvesting from the site (0 days/week). Harvesting is anticipated to occur up to 300 days/year.

Scallops: We will be on-site up to 7 days/week (up to 8 hours at a time) to harvest scallops from the site, except in the case of icing conditions which would likely occur from January-March. When icing occurs in the pound, we will not be actively harvesting from the site. Harvesting is anticipated to occur up to 200 days/year.

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.

Oysters: Oysters will remain on-site year-round. In the late fall (October-December), floats will be removed from the ADPI bags and they will be submerged to the bottom until spring (March-April, depending on water temperature and icing conditions). Similarly, floating oyster ranch cages will be submerged to the bottom where they will remain until spring (March-April, depending on water temperature). Floating lines and floats will be removed from the site and stored on private property.

Scallops: Scallops will remain on-site year-round in bottom bags and bottom cages. In the late fall (October-December), floating lines and lantern nets will be removed from the site and stored on private property.

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

Oysters & Scallops: We do not plan to employ predator control techniques.

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

Examples may include:

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

To deter birds from roosting on suspended gear, we will use commercially available bird deterrent kites (4 in total), such as a the "Osprey Kite, 44" Wingspan" sold by BirdNest.Com. Dimensions of this product are 20"L x 44"W x 3.75"D.

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?

(1) 14' scow boat with 20 HP outboard motor will be on the site daily from March-December.

- 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?

No powered equipment will be used on the site, aside from the aforementioned outboard motor.

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

We intend to reduce noise levels from the boat by selecting an appropriate size motor. A 20 HP outboard is consistent with historic uses of the lobster pound, as well as other marine uses in the area.

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 do not intend to place any fixed lights on-site, but may use up to (4) 300 lumen headlamps if work were to occur beyond daylight hours during the fall and winter months (October-March).

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

We may work at the site beyond daylight hours during the fall and winter months (October - March) when daylight hours are limited.

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.

ACAR421, ACAR521, ACAR621, ACAR721, CQUE121, CQUE221, CQUE321, CQUE421

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.

Existing LPAs (ACAR421, ACAR521, ACAR621, ACAR721, CQUE121, CQUE221, CQUE321, CQUE421) will be relinquished if the 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?

The depth at mean low water is approximately 6 feet. The proposed site is located entirely within a tidal impoundment, thus depths are partially a function of tide gate management. If the gate were opened, a portion of the proposed lease site would drain and be above mean low water.

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

The depth at mean high water is 12 feet.

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

Ebb moves in a SW direction and flood moves in a NE direction at less than 1 knot; however, flow is up to 2 knots by the pound dams.

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 comprised of mud and sand.

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

The bottom topography is mostly flat with gradually sloping sides.

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?

Green crabs, amphipods, and isopods are commonly observed in the pound.

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

The nearest mudflat is approximately 50' south and outside of the lobster pound. No fish migration routes have been observed in this area.

5. Describe the presence and extent of submerged aquatic vegetation, i.e. eelgrass, within the proposed lease area. Please include the date of this observation along with the method of observation. If submerged aquatic vegetation is observed, please also describe the abundance below and sketch the limits of the beds in the vicinity map.

No submerged aquatic vegetation has been observed within the proposed lease area in all months and years. According to the DMR Aquaculture Map "Eelgrass 2010" layer, eelgrass was observed approximately 300' west and outside of the former lobster pound.

6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)
The shoreline is rocky, partially forested, and historically used as a working waterfront (former lobster pound and mixed-use commercial property).

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

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

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

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
The proposed lease site is located inside a former lobster pound, thus no commercial fishing activity occurs inside the proposed boundaries. Lobsters have not been pounded at this site since 2019.
2. Recreational Fishing
The proposed lease site is located inside a former lobster pound, blocked by dams and surrounded by private property, thus no recreational fishing occurs within the boundaries 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 lease site is located inside a former lobster pound, blocked by dams and surrounded by private property, thus no boating activities occur within the proposed lease boundaries. The nearest marked channel is approximately 4 miles west and the nearest navigable waters are approximately 500 feet SW of the proposed lease site.

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 lease site is located inside a former lobster pound, block by dams and surrounded by private property, thus there are no changes to ingress and egress of shorefront property owners within 1,000 feet of the proposal.

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

The proposed lease site is located inside a former lobster pound, blocked by dams and surrounded by private property, thus no other uses exist within the proposed lease boundaries. Kayaking, swimming, and other uses have not been observed in the surrounding area.

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.

Yes, there are 4 docks within 1,000 feet of the proposed lease site. The proposed lease site borders a wharf owned by AC Carver, Inc. (0') In addition, there are three docks approximately 156' SW, 784' W, and 400' NW of the proposed lease site outside the pound.

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, there are no public beaches, parks, docking facilities or federally, state, or municipally conserved lands within 1,000 feet of the proposed lease site.

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, there are currently 8 LPAs within 1,000 feet of the proposed lease site (ACAR421, ACAR521, ACAR621, ACAR721, CQUE121, CQUE221, CQUE321, CQUE421) that will be relinquished if the lease is granted.

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.

No changes to existing uses are proposed as part of this lease application. As this site was a former lobster pound with no other existing commercial or recreational uses, blocked by dams and surrounded by private property, all activities will be excluded from occurring within the boundaries of the proposed lease site.

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 from property owned by the applicant--The Flying Place Limited Liability Corporation.

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

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: Beals

MAP #	LOT #	Landowner name(s) and address(es)
2	37	Mary Lou & Oscar III Look PO Box 11 Beals, ME 04611
2	41	Flying Place Limited PO Box 187 Beals, ME 04611
2	42	Susan Hoague 2 Leverett Lane Gloucester, MA 01930
2	44	Flying Place Limited PO Box 187 Beals, ME 04611
2	49	Flying Place Limited PO Box 187 Beals, ME 04611
2	50-1	Flying Place Limited PO Box 187 Beals, ME 04611
2	50-2	Flying Place Limited PO Box 187 Beals, ME 04611
2	50-3	Albert & Beth Carver 1 ABC Drive PO Box 6 Beals, ME 04611 Beals, ME 04611
2	50-4	Dwight & Patty Carver 173 Barney Cove Rd PO Box 131 Beals, ME 04611 Beals, ME 04611
2	51-1	Gloria Tanton 605 Notley Rd PO Box 261 Silver Springs, MD 20904 Beals, ME 04611
2	51-2	Thomas Tanton 605 Notley Rd PO Box 261 Silver Springs, MD 20904 Beals, ME 04611
2	51-3	Thomas & Gloria Tanton 605 Notley Rd PO Box 261 Silver Springs, MD 20904 Beals, ME 04611

2	51-3	Thomas and Gloria Tanton 605 Notley Rd. Silver Springs, MD 20904	PO Box 261 Beals, ME 04611
2	52	Joanne Jones Rizzi 3237 31st Ave. Sth Minneapolis, MN 55406	Terri Jones 306 West 36 St. Wilmington, DE 19802
2	78	Kathy O'Donnell 100 Dustin Road Cantoocook, NH 03229	
2	79	Cary Carver PO Box 365 Jonesport, ME 04649	
2	81	Patricia Carver PO Box 255 Beals, ME 04611	
2	83	John Frazier PO Box 249 Beals, ME 04611	
2	85	Amy Carver PO Box 71 Beals, ME 04611	
2	87	Marcus and Kelsey Fenton PO Box 264 Beals, ME 04611	

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Terry L. Beal, Town Clerk for the Town of Beals 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: Terry L. Beal DATE: 6/7/2022



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.
Albert Carver has been in the seafood business since 1958. Additionally, we are working closely with scientists and experts from nearby Downeast Institute and have experimented with growing oysters on LPAs inside the pound.

16. FINANCIAL CAPABILITY

A. Financial Capability

<p>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.</p> <p>Note: Any financial information you submit with your application is part of the public record. Please exercise discretion when submitting financial information.</p>
See attached letter from financial institution.

B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.
The proposed aquaculture activities are expected to cost approximately \$100,000 USD.

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) ALBERTO CARVER 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.



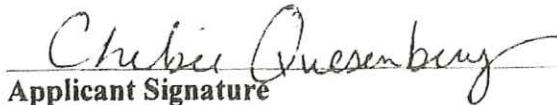
Applicant Signature

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

3/11/2022
Date

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) CHELSIE QUESENBERRY 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

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

3-11-2022
Date

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: Albert C Carver

Title (if corporate applicant): PRESIDENT

Signature:  Date: 3/11/2022

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: CHELSIE QUESENBERRY

Title (if corporate applicant): _____

Signature:  Date: 3-11-2022

19. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS (if applicable) 22
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.

**The property surrounding the pound that will be used to access the site is owned by the applicants—The Flying Place Limited Liability Corporation (Albert Carver & Chelsea Quesenberry).

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? Yes No

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

*See attached letter from Town on Beals, Chair of Selectboard documenting that a majority of municipal officers have consented to the proposal.

Town of Beals
Office of Selectmen
P.O. Box 189
Beals, ME 04611

Department of Marine Resources
Augusta, ME

May 12, 2022

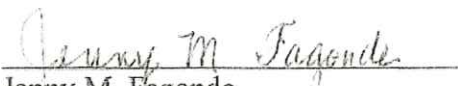
Regarding: Flying Place LLC, Oyster Permit

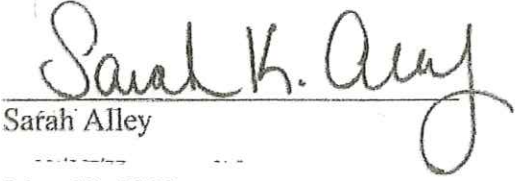
In April 2022, the Town of Beals Selectmen approved an Aquaculture Lease for Flying Place Limited LLC, by way of a zoom meeting held at Carver Shellfish on Black Duck Cove Road in Beals.

It has come to our attention that a quorum of signatures is needed in order to process the permit.

Office of Selectmen Signatures

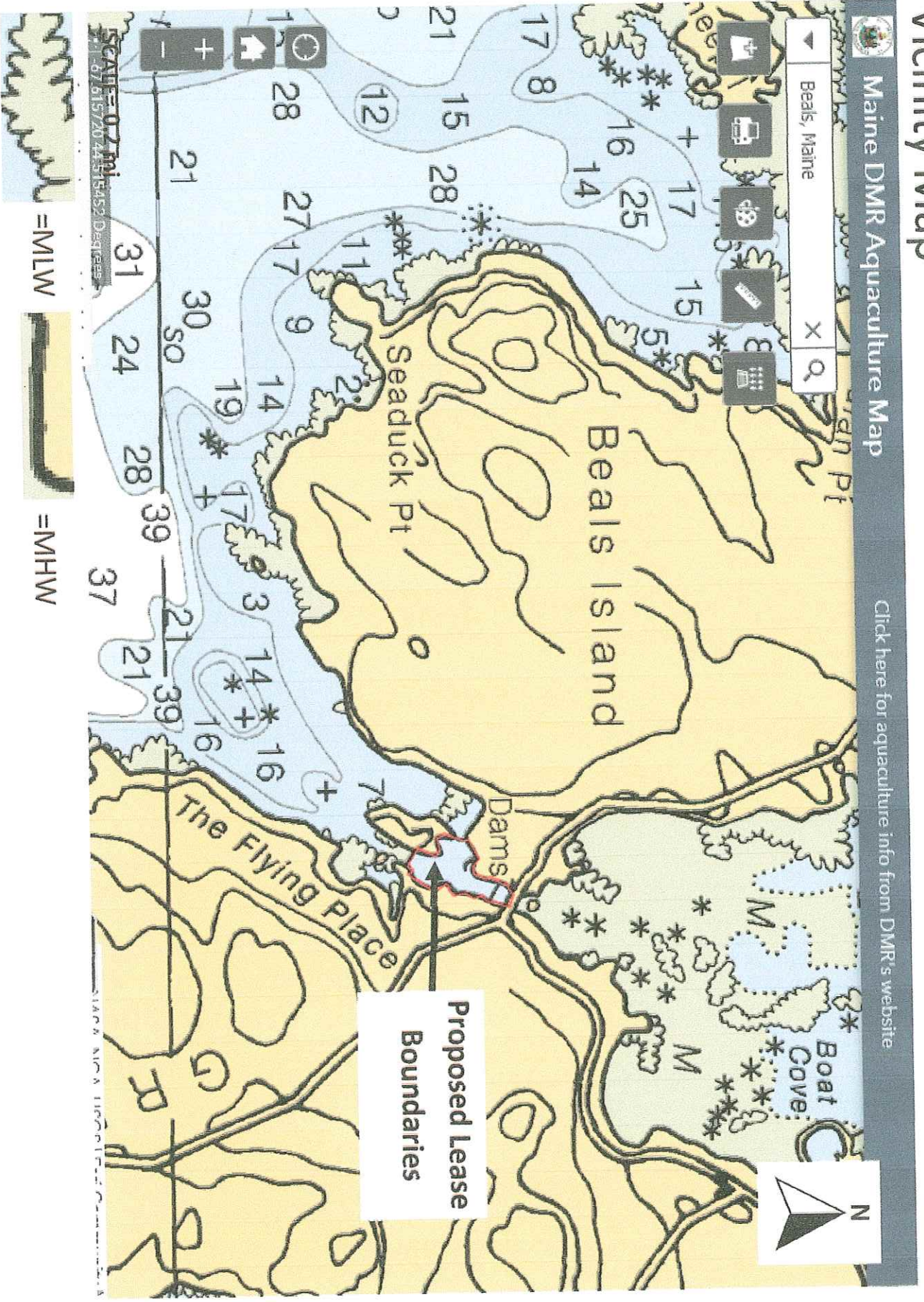

Paula Gerber-McCormack


Jenny M. Fagonde


Sarah Alley

May 12, 2022
2:34 PM

Vicinity Map



Maine DMR Aquaculture Map

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

Beals, Maine

SCALE = 0.2 mi

=MLW

=MHW

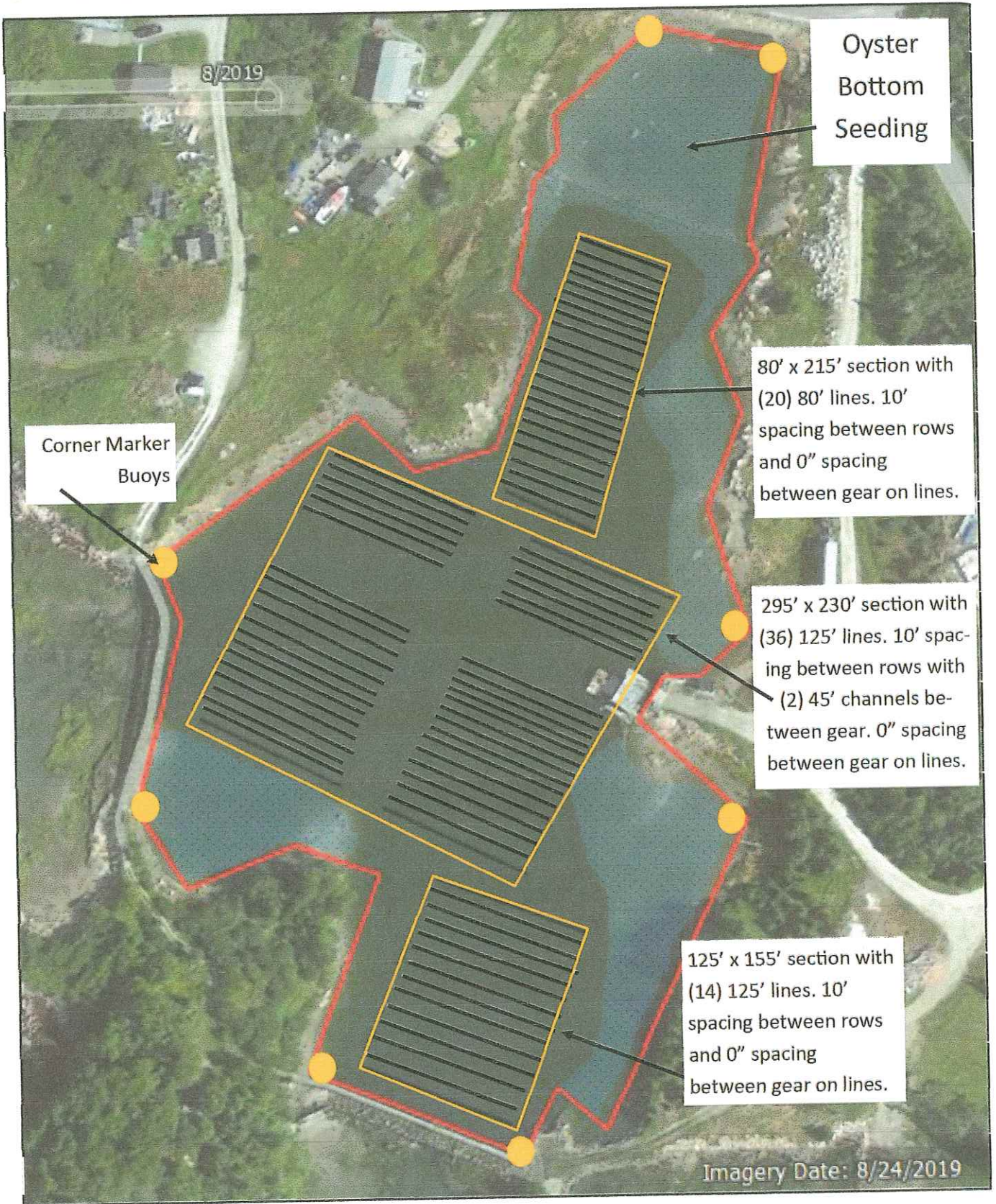
Proposed Lease Boundaries

Boundary Drawing

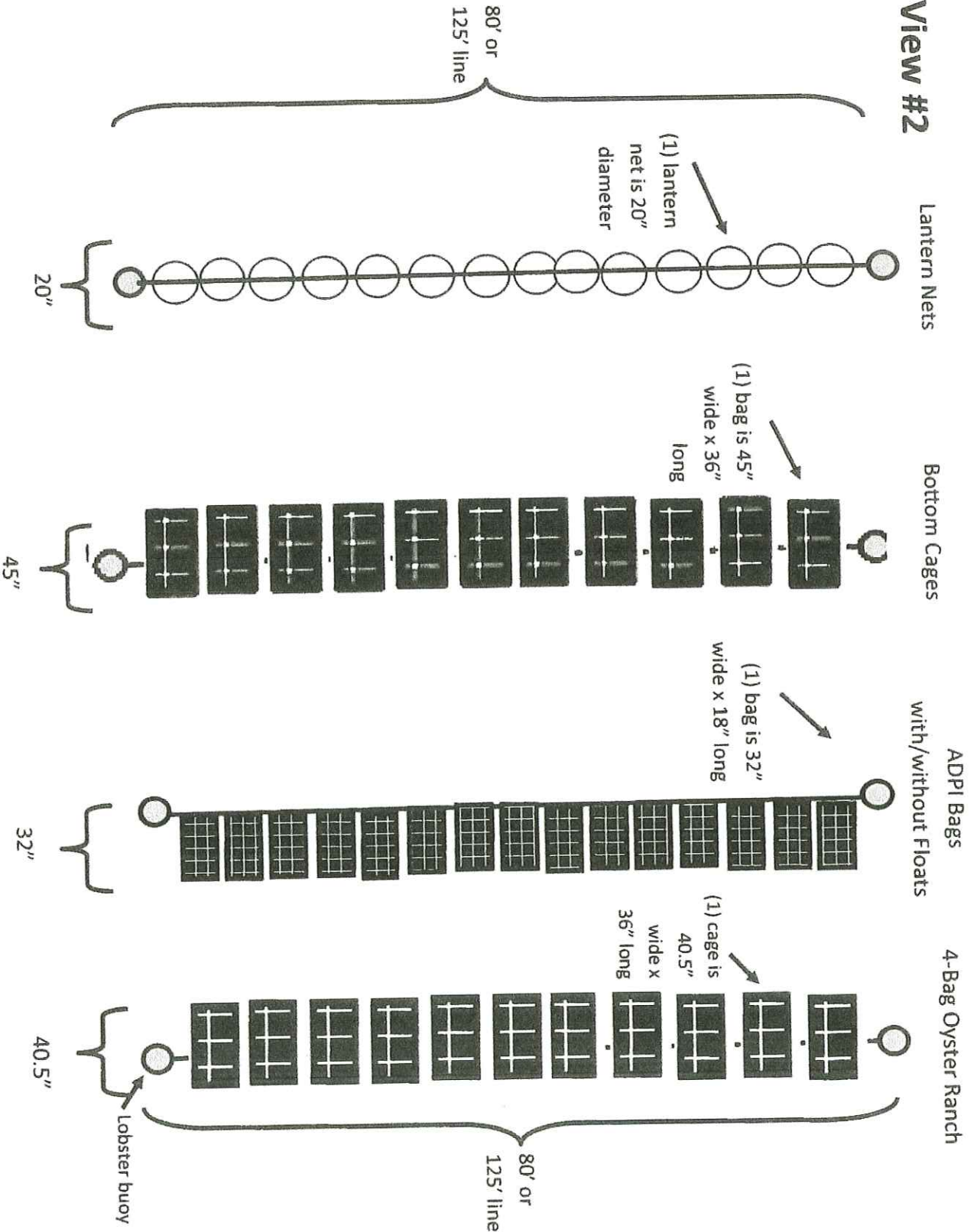


*Please refer to page titled "Coordinate Description" for coordinates, distances, and directions.

Overhead View #1



Overhead View #2

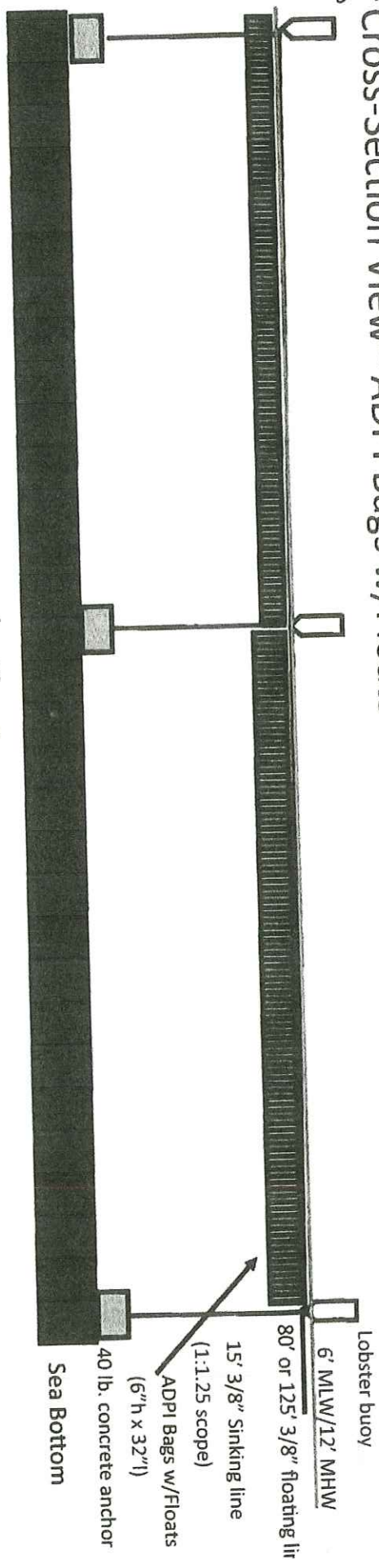


Maximum # of gear per 80' line= (53) ADPI bags with or without floats, (26) 4-bag oyster ranch or bottom cages, or (40) lantern nets.

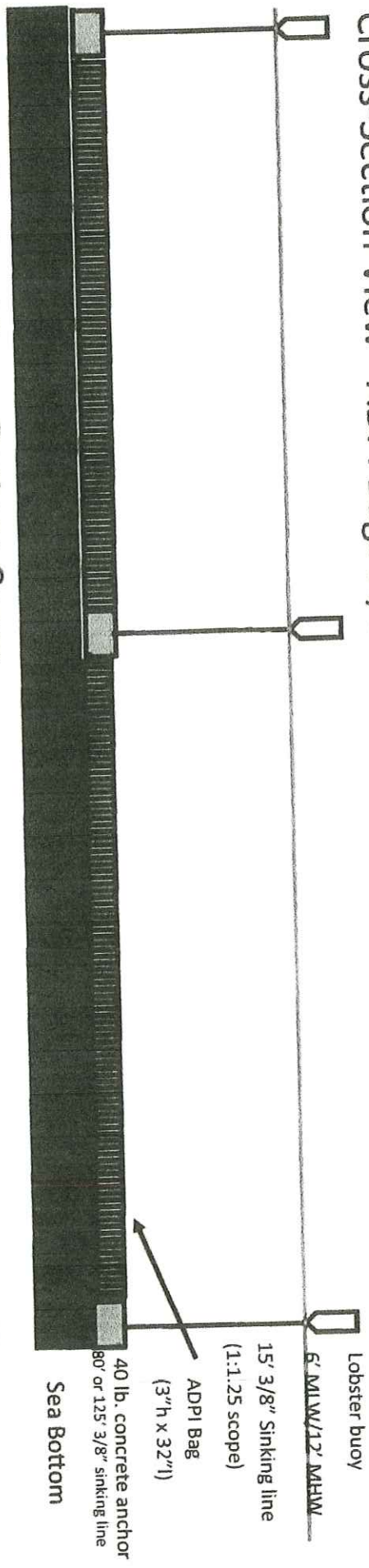
Maximum # of gear per 125' line=(83) ADPI bags with or without floats, (41) 4-bag oyster ranch cages or bottom cages, or (62) lantern nets.

No spacing between gear on lines. 10' spacing between lines. *Gear not drawn to scale

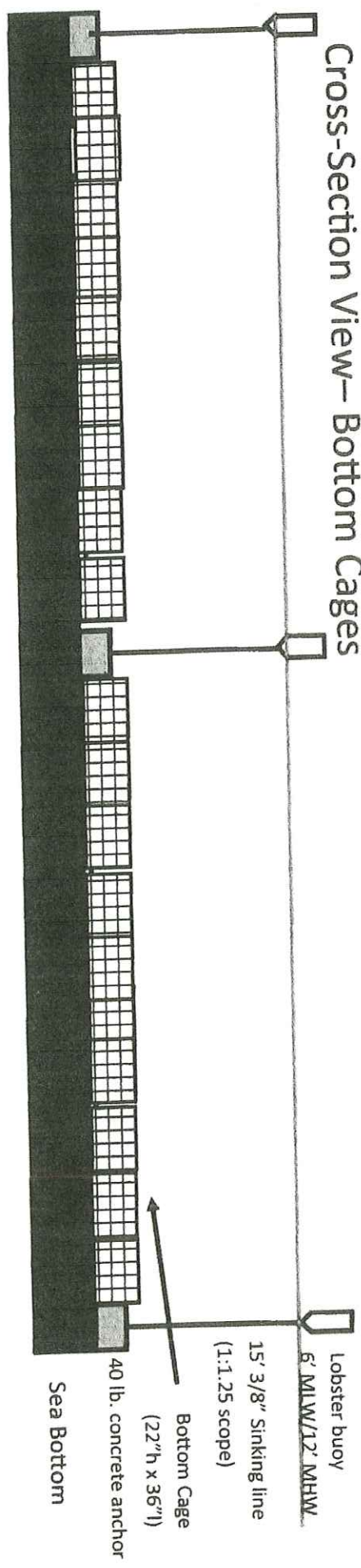
Cross-Section View—ADP1 Bags w/Floats



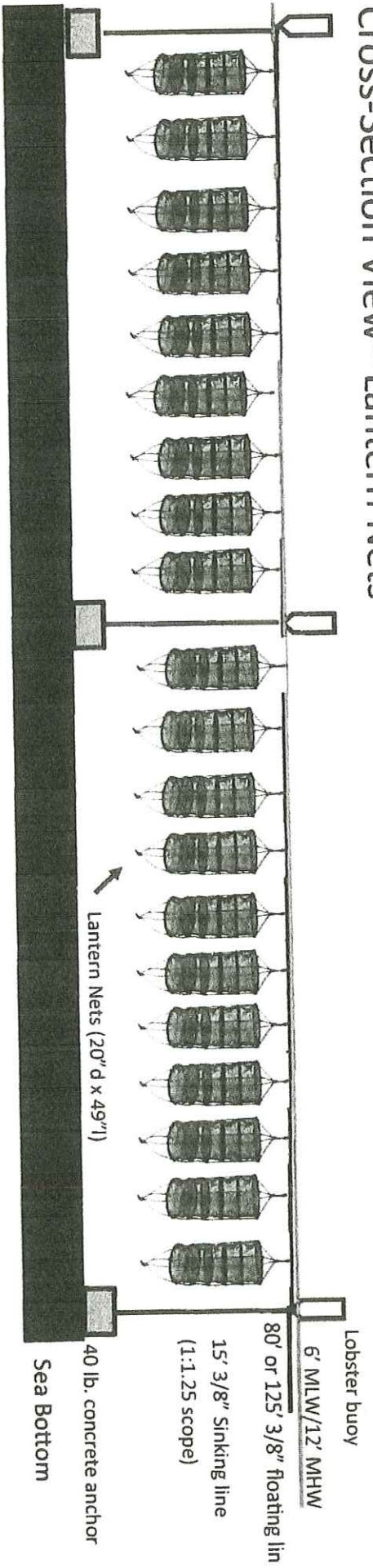
Cross-Section View—ADP1 Bags w/o Floats



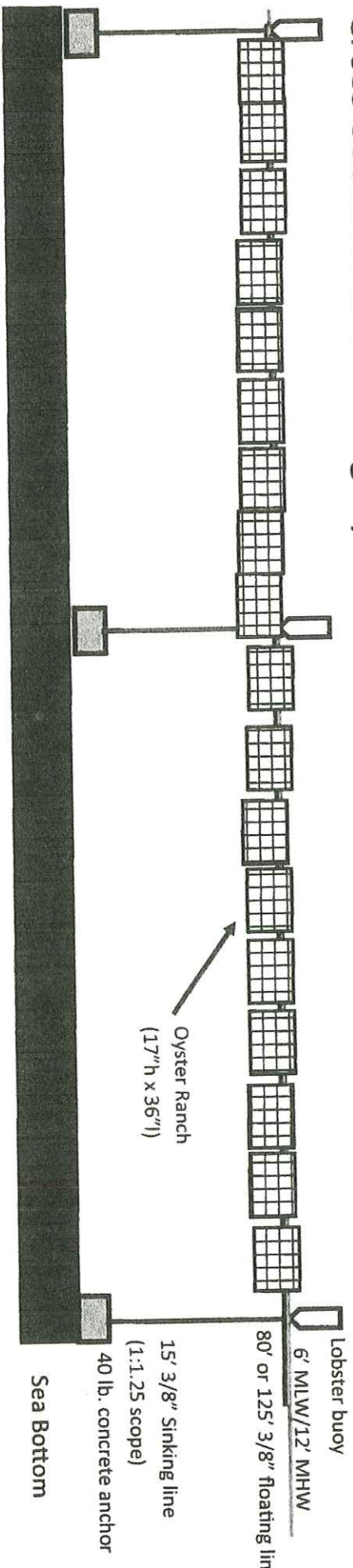
Cross-Section View—Bottom Cages



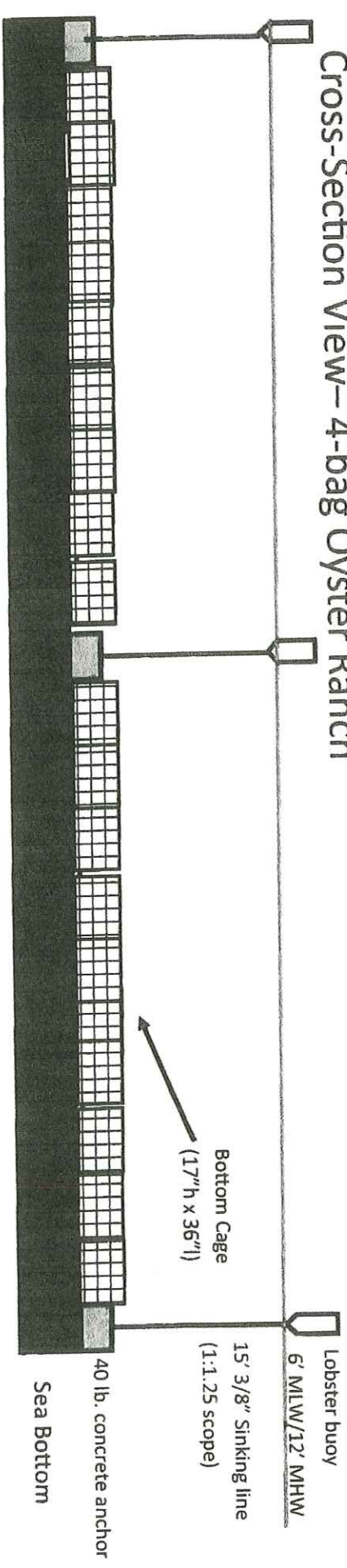
Cross-Section View—Lantern Nets



Cross-Section View—4-bag Oyster Ranch



Cross-Section View—4-bag Oyster Ranch



Equipment Layout

GPS coordinates= 44.50623, -67.60201

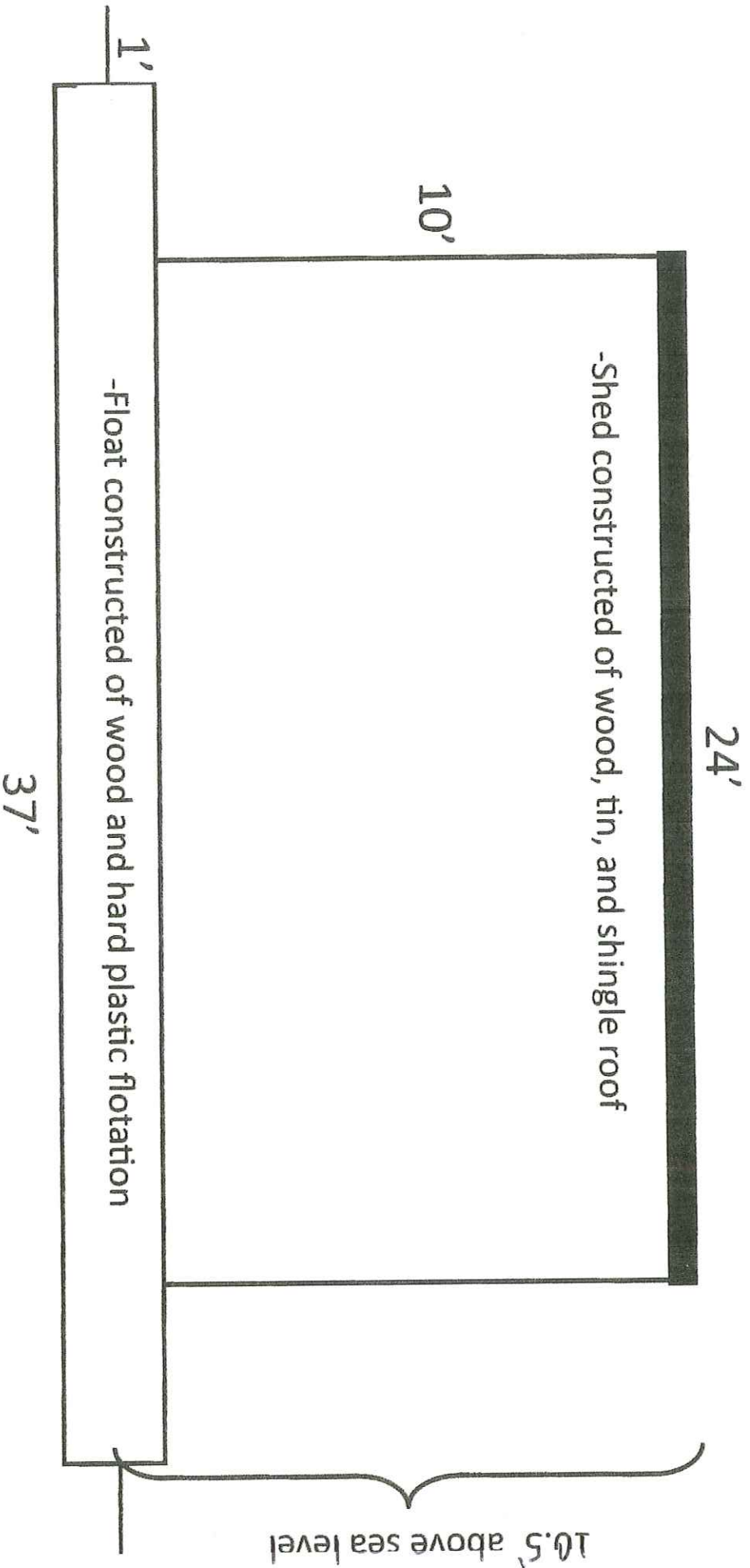


GPS coordinates= 44.50703, -67.60158



On-Site Support Structure — Floating Shed

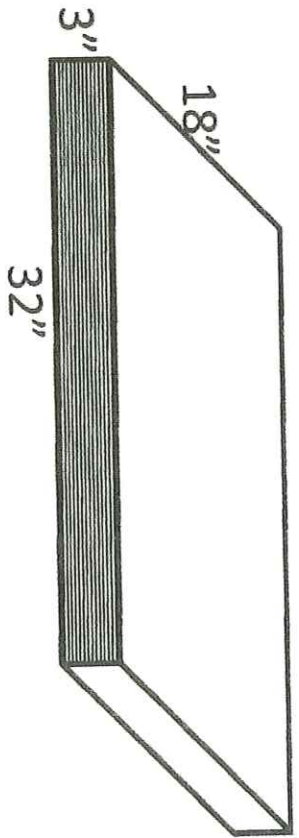
GPS Coordinates: 44.506256° -67.602099°



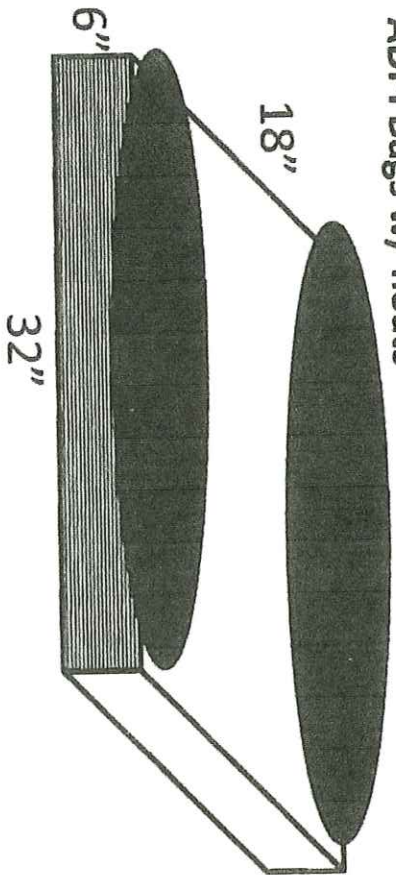
*Floating deck is 24' w x 37' l x 1' h. Shed on top of float is 16' w x 24' l x 10' h.

Gear Drawing

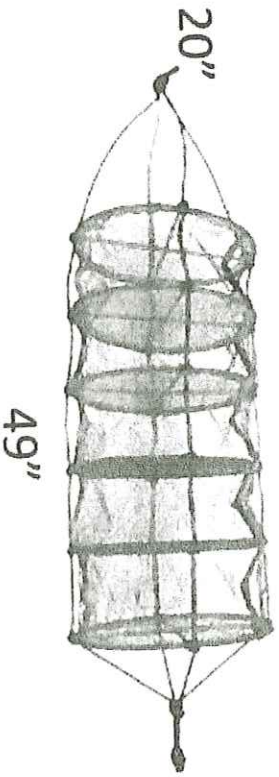
ADPI Bags w/o floats



ADPI Bags w/ floats

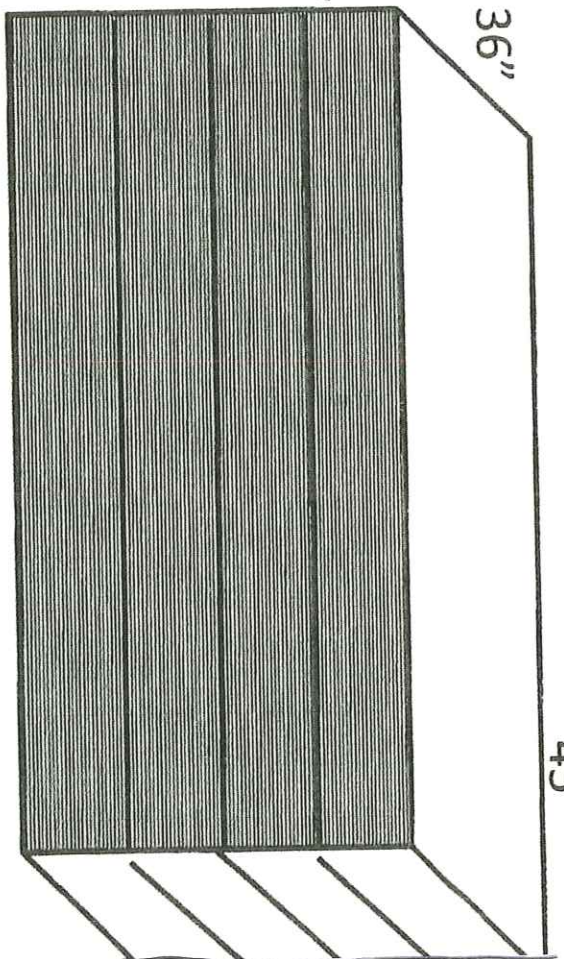


Lantern Nets

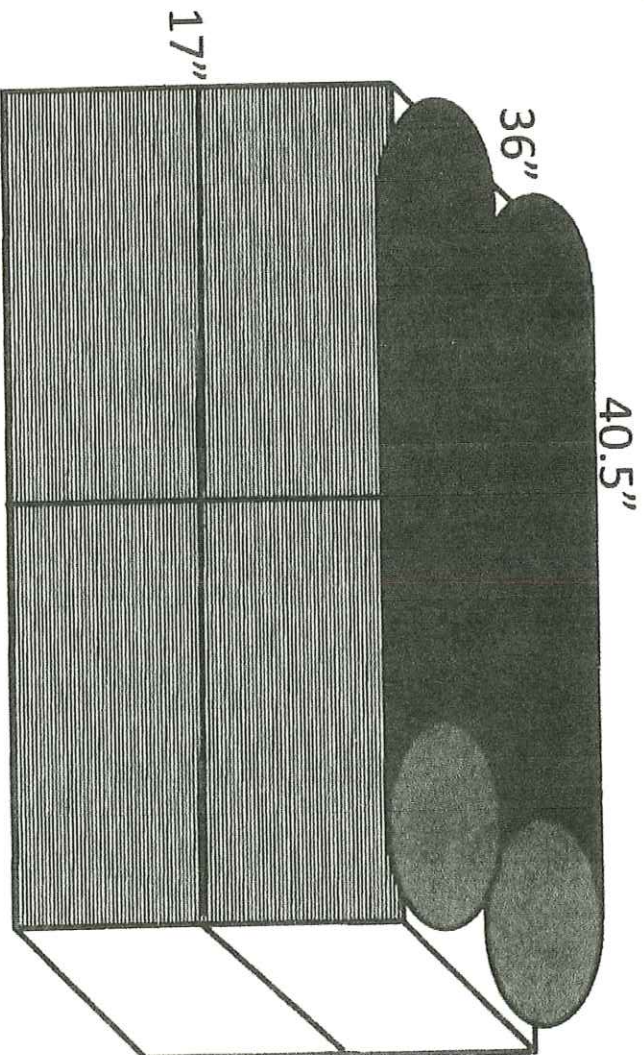


*Gear not drawn to scale

Bottom Cages



4-Bag Oyster Ranch





34

Experienced people. Exceptional service.

March 24, 2020

Albert Carver
A C Inc / Carver Shellfish Inc
PO Box 187
Beals, ME 04611

Re: Coastal ME General Contractors

Dear Albert,

I am writing you in regards to Machias Savings Bank's relationship with you, AC Inc, and Carver Shellfish Inc. We have had a financial relationship in good standing for over twenty years. During that time, you have consistently handled accounts as agreed.

I am pleased to write this letter and look forward to continuing to work with you in the future. If there is any way that I can be of further assistance please do not hesitate to call me directly at 255-9226.

Warmest Regards,

A handwritten signature in black ink, appearing to read "Sean R. Daye", is written over the typed name.

Sean R. Daye
Vice President
Business Banking / CRA Officer

4 Center Street, PO Box 318 | Machias, ME 04654-0318

(T) 800-338-3347 | (W) machiassavings.com

Member FDIC | Equal Housing Lender



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: The Flying Place Limited Liability Company

2. Date of incorporation: 4/30/1996 State of incorporation: Maine

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

Table with 3 columns: Name, Address, Title. Row 1: N/A, empty, empty. Rows 2-4: empty, empty, empty.

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

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

Table with 2 columns: Name, Address. Row 1: Albert Carver, P.O. Box 6, Beals, Maine 04611. Row 2: Chelsie Carver Quesenberry, 24 Desmond Avenue, Unit 3, Manchester, Massachusetts 01944. Rows 3-4: empty, empty.

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
Albert Carver	P.O. Box 6 Beals, Maine 04611	91%
Chelsie Carver Quesenberry	24 Desmond Avenue, Unit 3 Manchester, Massachusetts 01944	9%

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

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

Name	Address	Lease Acronym	Acreage
NONE			

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

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

Yes No

If you selected "yes", please provide details.

B. Partnership Applicant

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

1. Name of Partnership: _____

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

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

Name	Address	Ownership Shares
N/A		

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
N/A			

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.~~

THE FLYING PLACE LIMITED LIABILITY COMPANY**Registered Agent's Certificate**

I, HANS S. PETERSON, with an office in Bangor, Penobscot County, Maine, certify as follows:

1. That I am the duly elected and qualified Registered Agent of THE FLYING PLACE LIMITED LIABILITY COMPANY (the "Company"), a Maine limited liability company with a principal place of business at Beals, Washington County, Maine;

2. That the following named individuals are the Members of the Company and hold the percentage Membership Interests in the Company as set by each of their respective names:

Albert C. Carver	91%
Chelsie Carver Quesenberry	9%

3. That the foregoing Membership Interests are current as of the date of this Certificate.

Dated: January 13, 2022



HANS S. PETERSON, REGISTERED AGENT

Maine Secretary of State



2022 Annual Report
Electronic Filing Acknowledgment

For Limited Liability Companies on file as of December 31, 2021

Charter Number: 19960228DC
DCN Number: 2220019020984
Legal Name: THE FLYING PLACE LIMITED LIABILITY COMPANY

Registered Agent's Name and Address:

HANS S. PETERSON
84 HARLOW STREET P.O. BOX 1401
BANGOR, ME 044021401

Brief statement of the character of the business:

LOBSTER POUND FACILITIES

Name and Address of Member, Manager or other Authorized Persons:

CHELSIE CARVER QUESENBERRY
11 SMITHS POINT ROAD, MANCHESTER BY THE SEA, MA 01944

ALBERT C. CARVER
125 BLACK DUCK COVE ROAD, BEALS, ME 04611

Date of Filing: March 5, 2022

Name and Capacity of Authorizing Party:

HANS S. PETERSON, REGISTERED AGENT

DOMESTIC
LIMITED LIABILITY COMPANY

STATE OF MAINE

ARTICLES OF ORGANIZATION OF
LIMITED LIABILITY COMPANY

(Check box only if applicable)

This is a professional limited liability company formed pursuant to 31 MRSA §611 and 13 MRSA Chapter 22.

Filing Fee \$250.00

<p>File No. 19960228DC Pages 2 Fee Paid \$ 250.00 DCN 1961211600030 LTLC ----- FILED ----- 04/30/1996</p> <p><i>Nary Cooper</i> Deputy Secretary of State</p> <hr/> <p>A True Copy When Attested By Signature</p> <hr/> <p>Deputy Secretary of State</p>

1996127 / 0000 / 01 / 0000 0000

Pursuant to 31 MRSA §522, the undersigned adopt(s) the following articles of organization:

FIRST: The name of the limited liability company is THE FLYING PLACE LIMITED LIABILITY COMPANY
(The words "Limited Liability Company" must be contained in name §603.1.A. If a professional limited liability company, must also contain the words "chartered", "professional association" or "P.A.")

SECOND: The name of its Registered Agent, an individual Maine resident or a corporation, foreign or domestic, authorized to do business or carry on activities in Maine, and the address of the registered office shall be
George F. Eaton
(name)
84 Harlow Street, Bangor, Maine 04401
(physical location - street (not P.O. Box), city, state and zip code)
84 Harlow Street, P.O. Box 1401, Bangor, Maine 04402-1401
(mailing address if different from above)

THIRD: ("X" one box only)

A. The management of the company is vested in a member or members.

B. 1. The management of the company is vested in a manager or managers and the number permitted is _____.

2. If the initial managers have been selected, the name and business, residence or mailing address of each manager is:

NAME

ADDRESS

NAME	ADDRESS
_____	_____
_____	_____
_____	_____

Names and addresses of additional managers are attached hereto as Exhibit _____, and made a part hereof.

FOURTH: Other provisions of these articles, if any, that the members determine to include are set forth in Exhibit _____ attached hereto and made a part hereof.

ORGANIZER(S)* George F. Eaton
(signature)

DATED April 29, 1996
George F. Eaton
(type or print name)

(signature)

(type or print name)

(signature)

(type or print name)

For Organizer(s) which are Entities

Name of Entity _____

By _____
(authorized signature) (type or print name and capacity)

Name of Entity _____

By _____
(authorized signature) (type or print name and capacity)

Name of Entity _____

By _____
(authorized signature) (type or print name and capacity)

THE FOLLOWING SHALL BE COMPLETED BY THE REGISTERED AGENT UNLESS THIS DOCUMENT IS ACCOMPANIED BY FORM MLLC-18 (§607.2.).

The undersigned hereby accepts the appointment as registered agent for the above named limited liability company.

REGISTERED AGENT
George F. Eaton
(signature)

DATED April 29, 1996
George F. Eaton
(type or print name)

For Registered Agent which is a Corporation

Name of Corporation _____

By _____
(authorized signature) (type or print name and capacity)

*Articles must be signed by all organizers (§627.1.A.) The execution of the articles constitutes an oath or affirmation, under the penalties of false swearing under Title 17-A, section 453 that, to the best of the signers' knowledge and belief, the facts stated in the articles are true (§627.3.).

SUBMIT COMPLETED FORMS TO: SECRETARY OF STATE, STATION #101, AUGUSTA, ME 04333-0101
ATTN: CORPORATE EXAMINING SECTION
FORM NO. MLLC-6 95 TEL. (207) 287-4195

Albert Carver and Chelsea Quesenberry, owners of The Flying Place Limited, grant written permission to The Flying Place Limited for the standard aquaculture lease and proposed aquaculture activities associated with the following parcels: Town of Beals, Maine— Map 2- Lots 50-1, 41, and 44.

Signature: Chelsea Quesenberry

Signature: GOO