

STANDARD LEASE APPLICATION: NON-DISCHARGE

1. APPLICANT CONTACT INFORMATION

Applicant	Saltwind Seafarm LLC, Matthew Hassler		
Contact Person	Matthew Hassler		
Address	2 Mayflower Dr.		
City	Scarborough		
State, Zip	ME, 04074		
County	Cumberland		
Telephone	207-730-2892 (Matt)		
Email	Oysters@SaltwindSeafarm.com		
Type of Application	<input type="checkbox"/> Draft Application <small>[submitted before scoping session session]</small>		<input checked="" type="checkbox"/> Final Application <small>[submitted after scoping session]</small>
Dates	Pre-Application Meeting: 9/2/21	Draft Application Submitted: 11/16/21 Revised 12/18/21 Revised 10/28/22 Revised 3/9/23	Scoping Session: 3/11/22 6:00 PM
Payment Type	Draft Application: <input type="checkbox"/> Check (included) <input checked="" type="checkbox"/> Credit Card		Final Application: <input type="checkbox"/> Check (included) <input checked="" 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	Scarborough
Waterbody	Scarborough River
General Description (e.g. south of B Island)	The proposed lease site is intended to replace active experimental lease SCAR NRx. The general location is the same, however the proposed coordinates have been shifted to better fit the bottom contours of the river. West of Nonesuch Point, Southeast of train trestle
Lease Information	
Total acreage requested (100-acre maximum)	2.31 Acres
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

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):	WG
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
American/Eastern Oyster (Crassostrea Virginica)	Muscongus Bay Aquaculture 24 Seal Ledge Lane, Bremen, ME, 04551	1,500,000
2.		
3.		
4.		
5.		

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.

Mapping Procedure

Introduction

During our preapplication meeting with both the Department of Marine Resources and Inland Fisheries and Wildlife, we discussed the importance of maintaining at least 3 feet of water depth where our gear is located at mean low water. This is because our proposed lease location is within Tidal Waterfowl and Wading Bird Habitat. Although the portion of our active experimental lease SCAR NRx that we intend to continue utilizing (Tract 1) is entirely subtidal, there are portions of the tract that do not have 3 feet of water at mean low. In turn, we have slightly shifted some of our proposed coordinates to deeper water.

To accurately determine the proposed coordinates, we first needed to precisely locate both the subtidal/intertidal line as well as the 3' Mean Low water line.

We considered the subtidal/intertidal line as the line at which the water met the surround mud flats at a 0.0 low tide.

We considered the 3' depth line to be the line at which the water depth was exactly 3' at low water meaning this was the point where the water depth turned from 2'11" to 3' 1" at a 0.0 low tide. Points inside this line are deeper than 3', and points outside this line are shallower than 3'.

Subtidal/Intertidal line

On September 12, 2021 applicants Matt Hassler & Sam Nygren performed a survey of the surrounding area. Low tide on September 12 was at 9:25 am and was a 0.0 tide. At 9:25 it was observed that water was still going out steadily in the river. To get accurate points, data was not collected until slack tide was observed. Slack tide was observed at 10:30 am. Data was collected by walking along the waterline of the surrounding area and dropping pins on a GPS every few paces. Data collection started on the Northeast corner of the site and followed a clockwise direction finishing in the northwest corner. The entire duration of the survey was approximately 18 minutes. This resulted in a total of 91 pins on a map. The pins followed a very clear line forming a trendline. This is how the mean low water (red) lines were created on the maps below.

3' Line

On November 9, 2021 applicants Matt Hassler & Sam Nygren performed a survey of the proposed site location. Low tide on November 9 was at 9:48 am and was a 0.2 tide. It was observed that the tide was still steadily dropping for approximately 30 minutes past 9:48. Slack tide was observed at 8:20 am. Prior to beginning the survey, a rod was marked at 3'2 ½" to calibrate for the 0.2 low tide. Data was collected by walking the entire perimeter of the surrounding area and probing the marked rod along the bottom in search of the location where the water depth was exactly 3'2 ½". 87 Total points were collected on GPS starting in the southwest corner of the site continuing clockwise ending in the southeast corner of the site. The overall duration of the survey was approximately 25 minutes. Points were collected by dropping a pin on a GPS anywhere where the water was the 3' 2 ½" Depth. The resulting points did not generate as clean of a trendline as the subtidal/intertidal survey did – however this was to be expected and makes sense. This is because there are several flat bottom portions of the proposed lease site where the water is 3' deep over large areas. The 3' line shown on the maps below in light blue was generated by creating a trendline along the outermost points collected. This means that all of the area immediately outside of this line is slightly less than 3' deep at mean low water.

Note:

The maps below show that the 3' line closely follows the subtidal line on the western side of the proposed lease site. This makes sense as the entire western portion of the site is a sudden drop-off from the surrounding uplands. See Photo 1 & Photo 2 Below. The eastern side of the site is a very gradual slope.

Map base layers

Data was exported from the GPS in a GPX file allowing it to be plotted on both a USGS Topo Map as well as an Arc GIS Aerial photo. The USGS Topo map does not accurately represent the surrounding uplands around the proposed lease site. For this reason, the points were also plotted on Arc GIS aerial photos. The Scarborough River is dynamic and does slowly shift over time. This GIS Aerial Photo is recent because when zoomed in, it shows our existing farm layout from Summer/Fall 2020. Based on comparing the GPS pins collected to actual conditions at the site, this GIS map very accurately represents the actual existing conditions.

Photo 1 :

8:26 am Nov 9, 2021

Taken from the southwest corner of the proposed lease site facing southeast



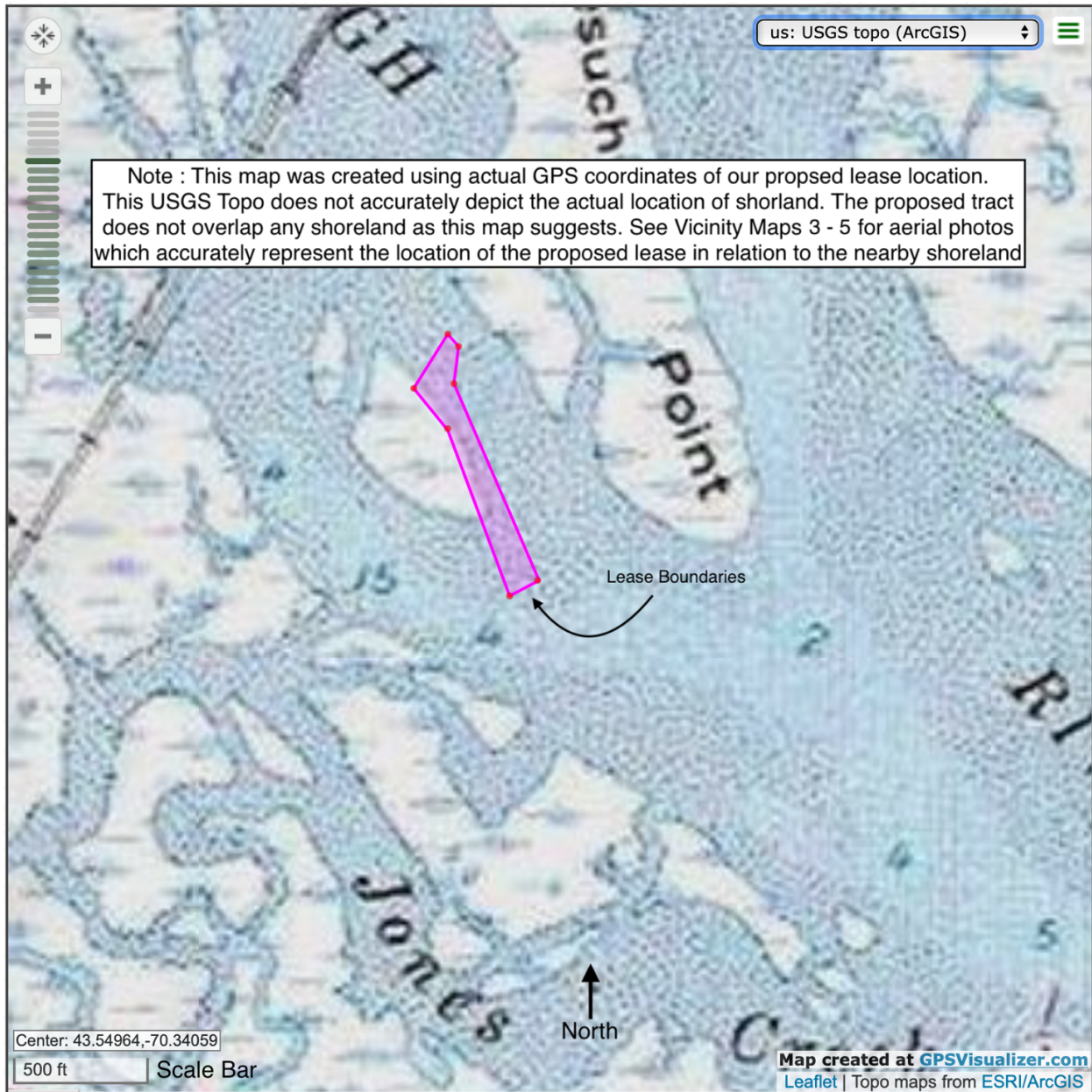
Photo 2 :
Taken from the southwest corner of the proposed lease site facing northwest
8:27 am Nov 9, 2021



Vicinity Map 1



Vicinity Map 2



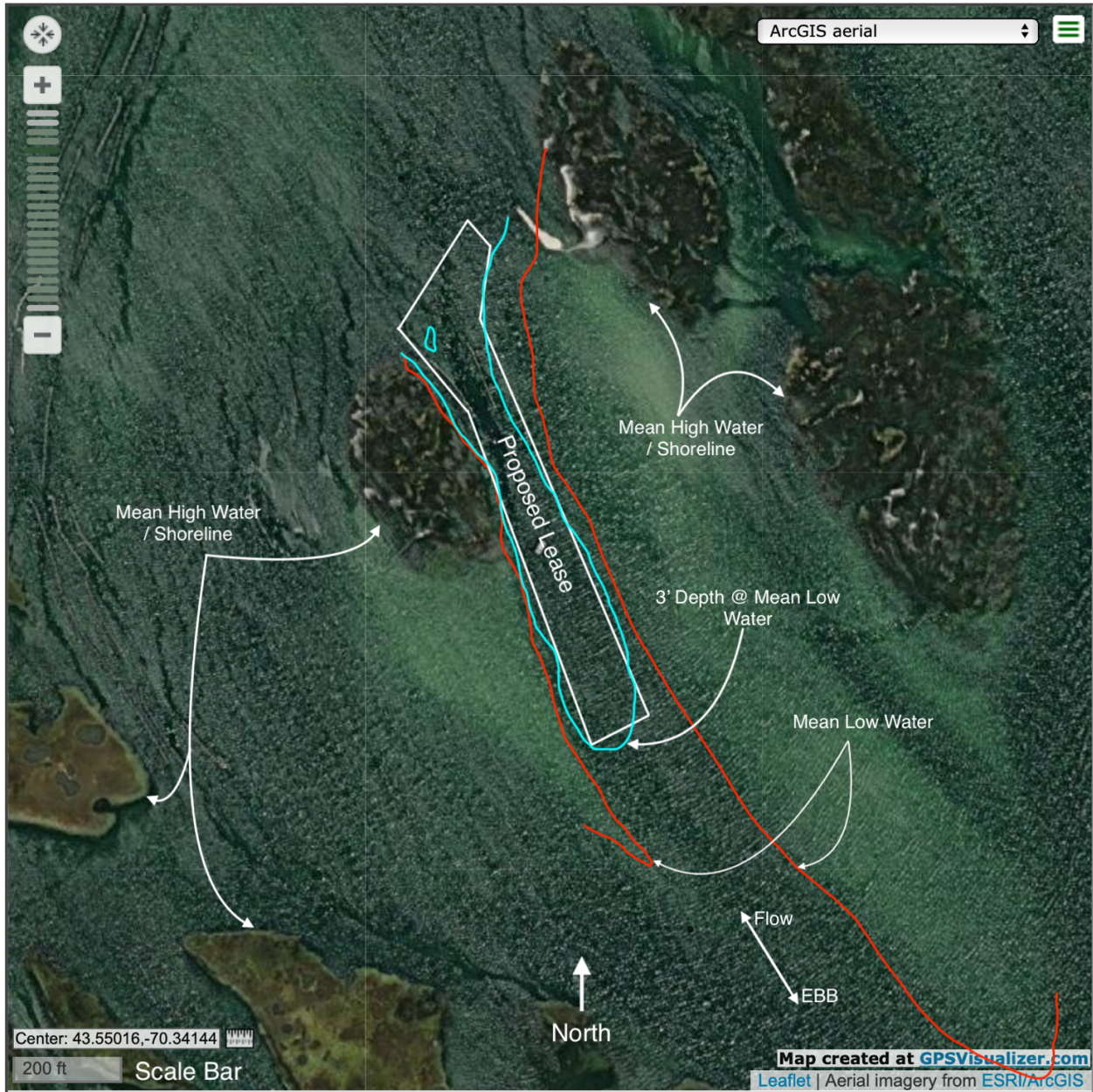
Vicinity Map 3: Subtidal Line



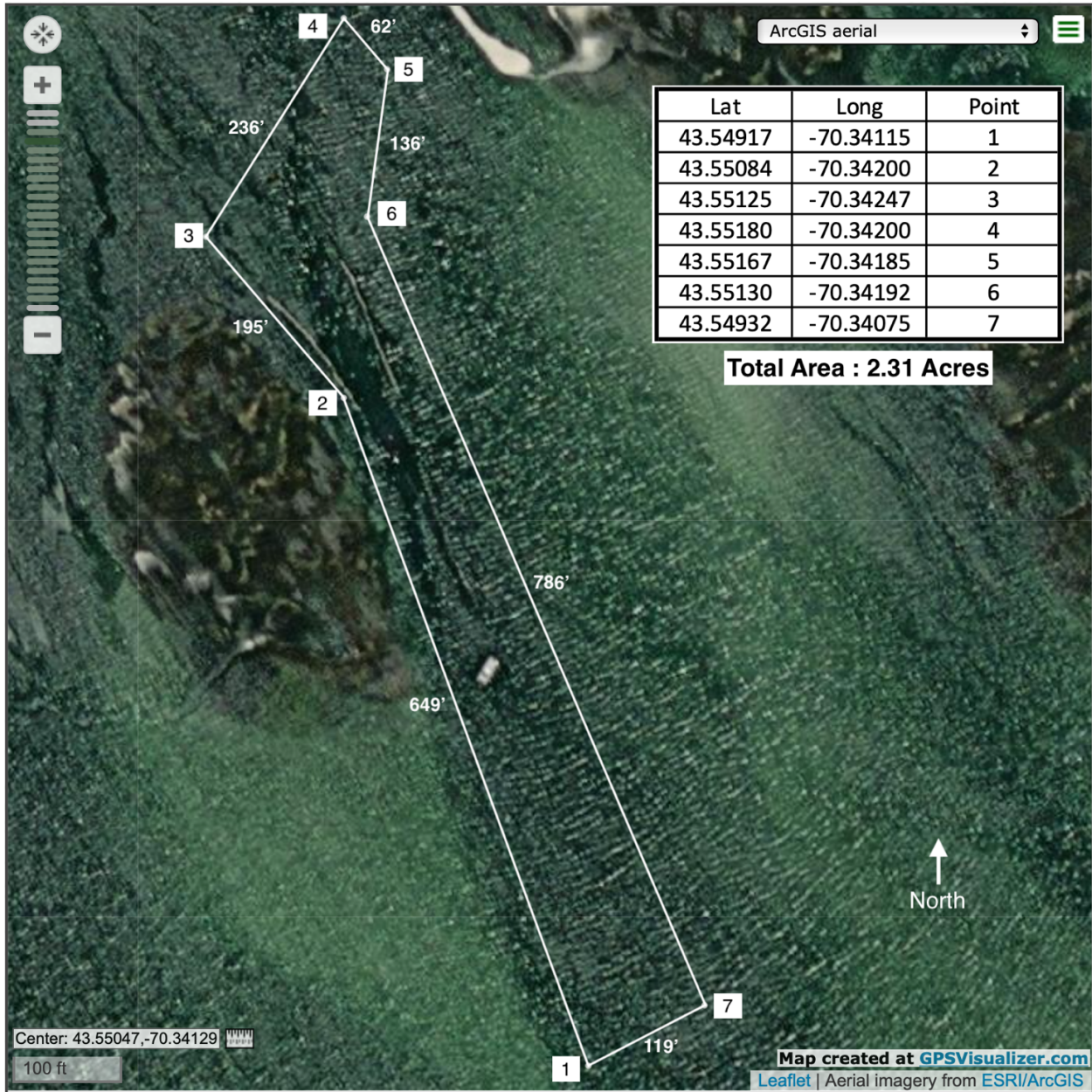
Vicinity Map 4: 3' Minimum Depth Line



Vicinity Map 5: Overview



Boundary Drawing 1



Boundary Drawing 2



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 <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 LoPro 2 bag floating cage	40"x36"x4"	Year Round	690	American / Eastern Oyster
Shellfish Growout Bag	34"x18"x3"	Year Round	1380	American / Eastern Oyster

B. Maximum Structure and Mooring System Schematic

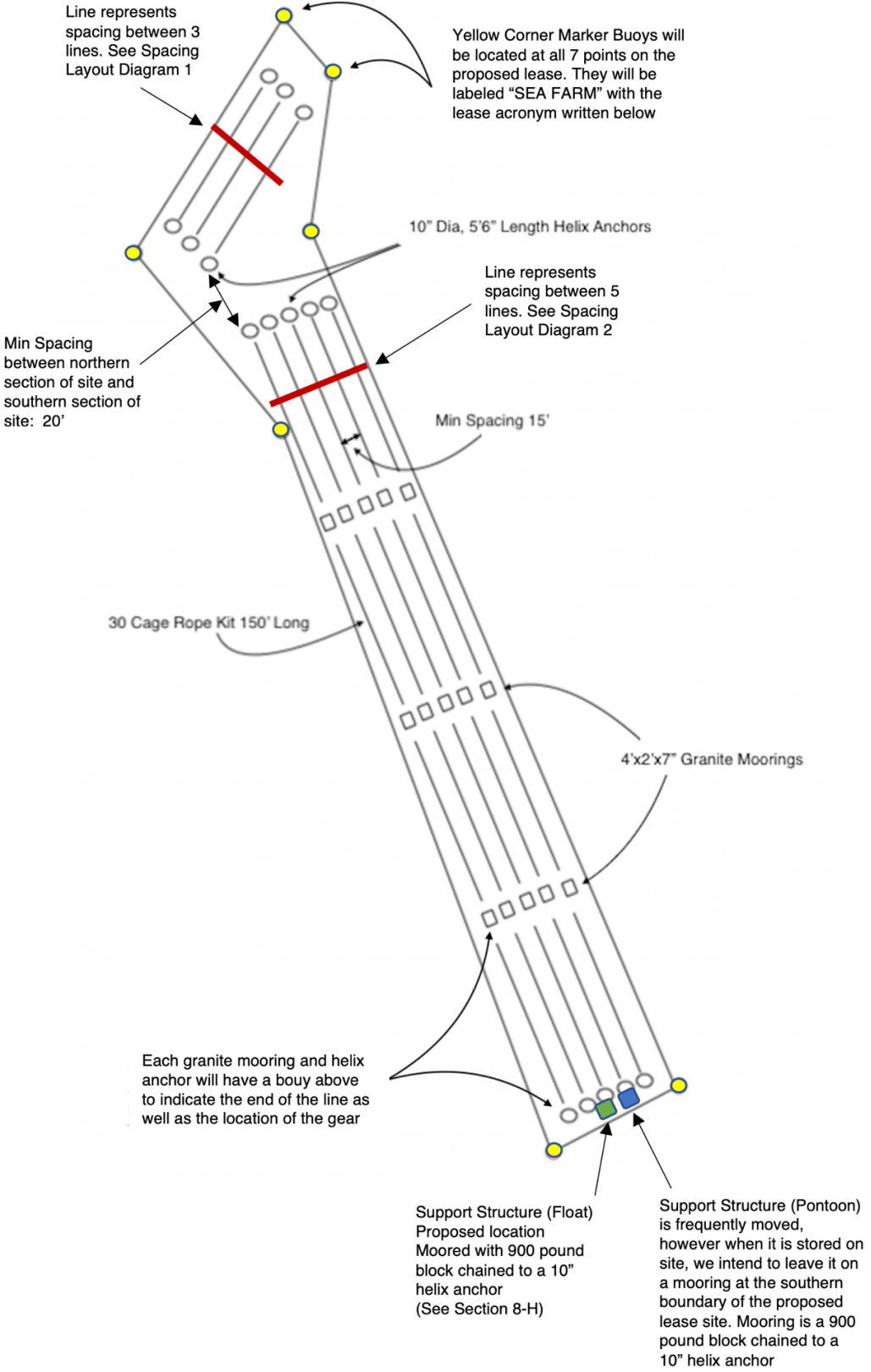
Directions: Include drawings of your maximum gear layout. Include units referenced (i.e. 10in, 10ft, etc.).

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).

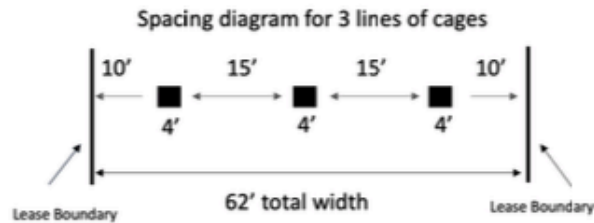
Overhead View – Maximum gear layout



Gear Spacing

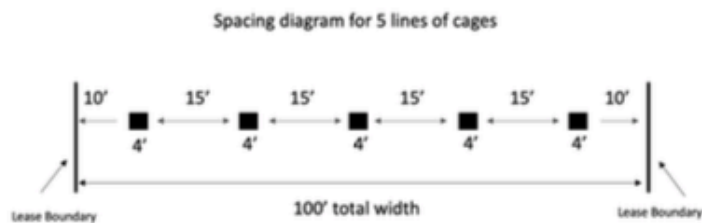
The spacing between the northern 3 lines will have a minimum of 15 feet. Each cage is less than 4' wide, meaning that of the 62 feet, 12 will be reserved for cages. This leaves 50 feet, meaning that the spacing of 15 feet between the lines will leave 10 feet between the outermost lines and the lease boundaries.

Spacing Layout Diagram 1

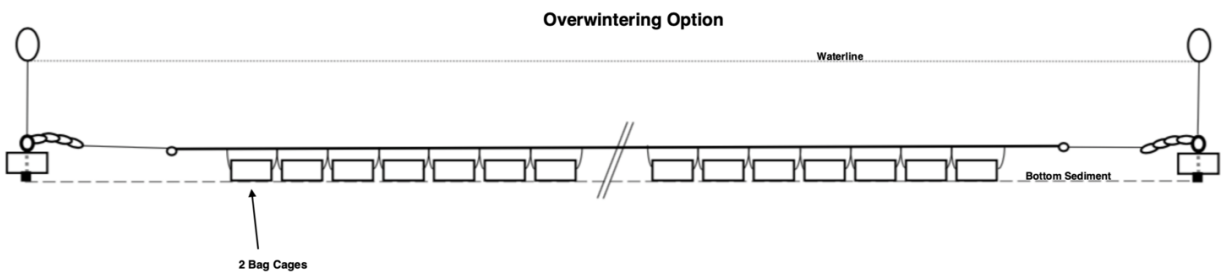
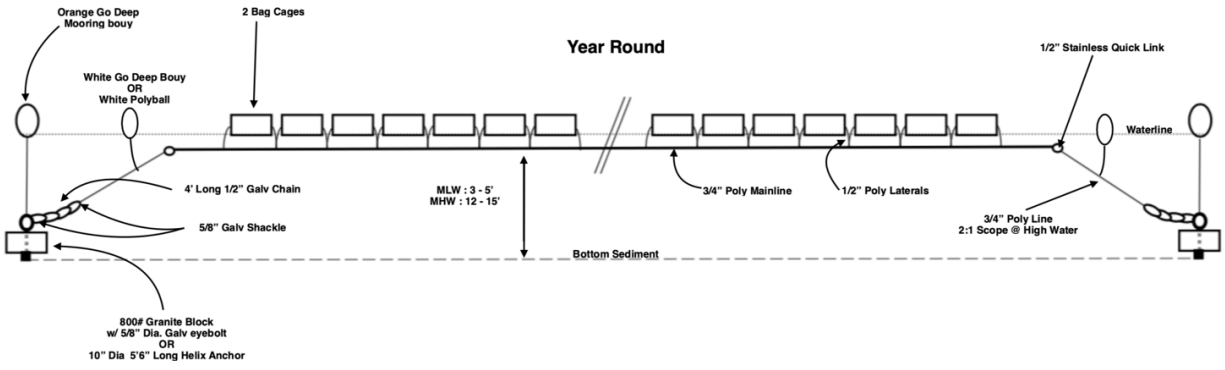


For the 20 remaining lines, there are roughly 100' at the narrowest point of the proposed lease. With 4 spaces between lines, and 20 feet (4x5) for cages, this leaves 10 feet between the outermost lines and the lease boundaries as well.

Spacing Layout Diagram 2



Cross Section View

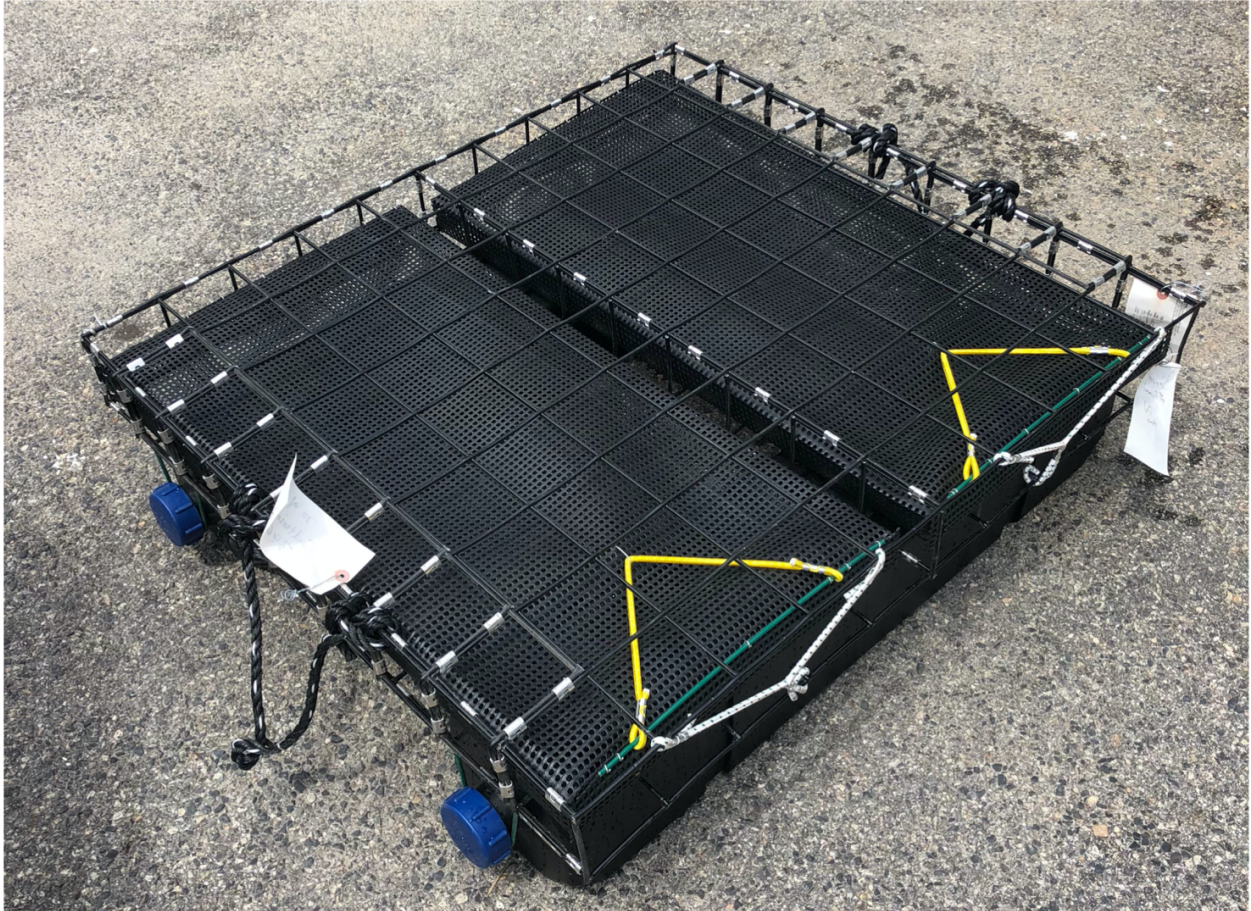


2 Bag Cage – Growing Position



All cages will be in this position the majority of the time that they are in the water. In this position, the cage that contains 2 oyster bags is suspended by the pontoons so that it is just below the water surface. The entire cage is submerged and the pontoons are the only portion of the gear that is above water so that only the pontoons are visible. During peak summer months, cages will be in this growing position approximately 6 days per week.

2 Bag Cage – Drying & Overwintering Position



This position is used for two different purposes : Drying & Overwintering

Drying : Cages are flipped upside down to this position so that the entire cage portion is floating above the waterline supported by the pontoons. This allows any foul or algae growth to dry or die. Cages are left in this drying position for approximately 24 hours at most 1 day per week during peak summer.

Overwintering : Cages can be fully submerged in this position by filling the pontoons with water. The pontoons rest on the bottom supporting the cage just like it is shown sitting on the ground in the photo above.

The total surface area of the bottom of the pontoons is : 2 (8" x 38") = 4.2 sqft

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.

Purge Float (See schematic below)

16'x10' Float

Hemlock wood frame with hemlock wood decking

Marine plywood lids for (3) 6'x4' storage cages with stainless steel hinges

(3) 6'x4'x3' lobster wire storage cages

(6) 4'x2'x20" plastic floats

Height above sea level : 20"

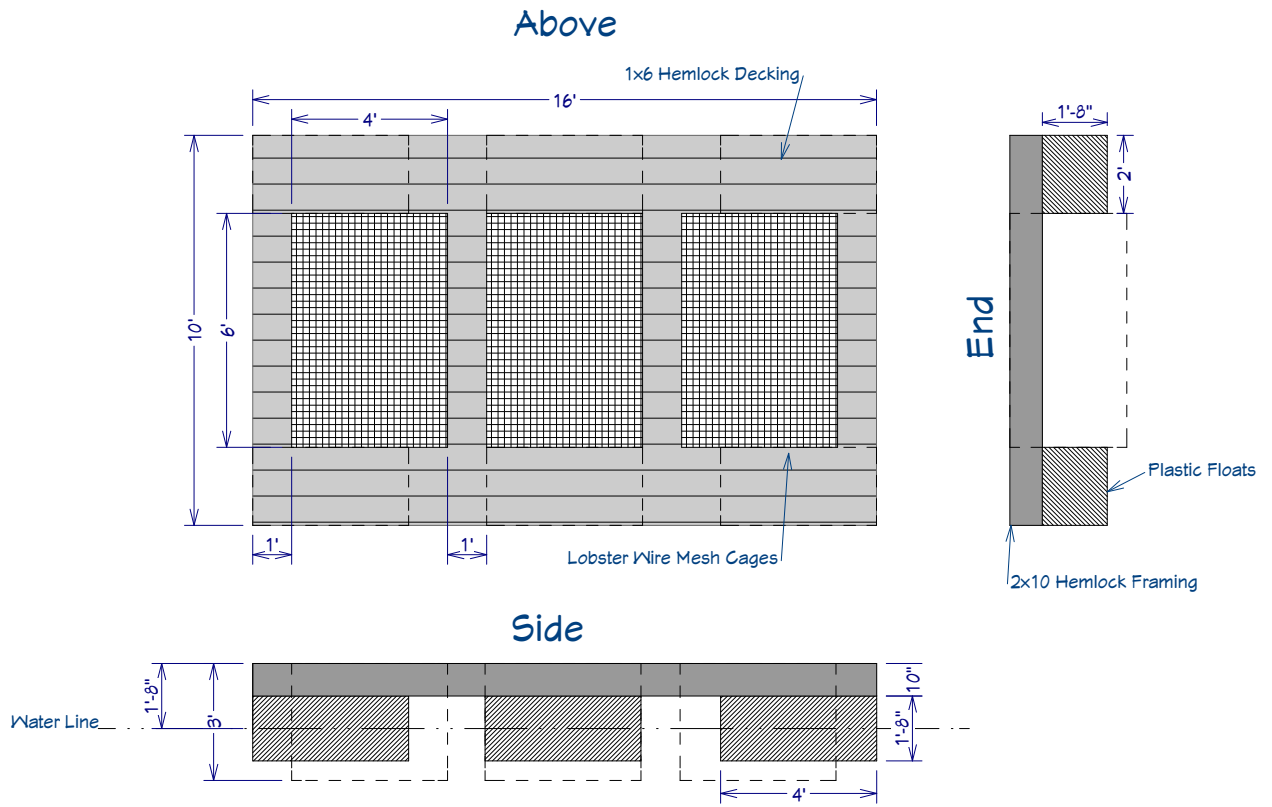
24'x10' Pontoon Boat. (See photos below)

This pontoon boat has a shed on it. It is used during the colder months as a heated workspace and during the summer on rainy days and for general storage. The shed on this boat is 8'x12' and 7'6" tall.

Total height above sea level – 9' to top of shed roof.

This pontoon boat is registered and insured as a boat.

Purge Float – Schematic



24x10 Pontoon Deck Boat – Photo 1



24x10 Pontoon Deck Boat – Photo 2



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.

Gasoline is used in a 2" Honda Transfer pump. This pump is used to run water pressure in the tumbler, as well as for washing oysters. Gas is transported in a gas can with a threaded cap that is brought out to the site each day by boat. Gas is not stored on site.

No other hazardous materials are kept on site.

D. Gear Color

Provide the color of the gear and structures proposed to be used at the lease site.
Cages and bags are black, with black floats and blue caps. Mainline rope is white, lateral rope is green. All rope will be below the waterline and not visible. Site Marker buoys are yellow. Between every 30-cage rope kit, there is one white and one orange buoy. Pontoon boats are gray, shed on pontoon boat is blue.

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.

We do not have any permanent equipment other than the gear which is oriented as displayed in the maximum gear layout drawing. Both pontoon boats are capable of being moved, however are typically moored at the far south end of the lease.

See photos below for aerial photos of Active Experimental SCAR NRx lease. We intend to follow this same layout for the standard lease, with the exception that cages will need to be shifted to fit within the bounds of the shifted proposed coordinates.

SCAR NRx Aerial Photo 1



SCAR NRx Aerial Photo 2



SCAR NRx Aerial Photo 3



F. Marking

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? In part, this requires marker buoys which clearly display the lease ID and the words SEA FARM to be located at each corner of the lease.

Yes No

If you answered no, explain why and suggest alternate markings.

Note: If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard Regulations contact: 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.

Seeding will occur in June/July. Seed purchased from Muscongus Bay Aquaculture will range from 6-9mm. It will be placed in 4mm grow out bags which will be put into cages. Seeding will likely only occur one to two days a year.

B. Please explain your proposed tending/maintenance activities.

Oysters will be tended and maintained most frequently in the spring, summer, and fall. The activities will include flipping each cage approximately every two weeks, thinning seed density per bag (as needed), changing bag size for larger mesh (as needed), tumbling each cage one to two times a year, and culling oysters for market.

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

The site will be visited 5-6 days a week.

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

All oysters will be grown using surface culture techniques. Harvesting will consist of removing a bag from the floating cage to be culled, packaged, and tagged. Nonmarket ready oysters will be resubmerged.

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

We will be visiting the site 5-6 days a week during the spring, summer, and fall. Winter harvest will be less frequent at 2 days a 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.

During winter months, the overall number of cages left on the farm will be greatly reduced. Market oysters will be left in floating cages so that they can be harvested throughout the winter.

Overwintering of smaller oysters will occur by removing the oysters from the water and moving them to cold storage when the water temperature drops below 40F. These oysters will remain out of the water in cold storage until it rises above 40F again. Gear that is not being used will be removed and stored on land until spring.

Additionally, some cages may be sunk to the bottom for overwintering as show in Winter Option cross section drawing.

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.

Given that the proposed lease is located within an essential habitat, we are not proposing any bird deterrent measures. Instead, we propose to employ mitigation measures to minimize the potential pollution impacts of birds:

We propose to utilize a purge float located within our lease boundaries to allow for a purge period prior to the harvest of product. This will allow the oysters to be purged of any potential pollutants from birds. The float will have 3 holding cages made of lobster wire all with covers. Each holding cage will contain bags of market ready oysters. The purpose of having 3 separate cages as opposed to one large cage is to allow for organization of 3 separate purge timeframes. Each of the 3 sections will be kept track of independently to allow us to stagger our harvest days.

Product will be held in the float for 3-7 days prior to harvest

See section 6C for further details on the purge float

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 site will be tended using a 19’ Carolina skiff with a Yamaha 40 4 stroke outboard and a 14’ Aluminum boat with a Yamaha 25 4 stroke. Both boats will be used daily on the farm approximately 6-8 hours per day, 5-6 days per week.

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

We will be using a pressure washer (Gas), transfer pump (Gas), and tumbler (Electric – 12 volt marine battery) on our site. The transfer pump and tumbler will be used 5 days a week for approximately 6-8 hours per day. The pressure washer will be used 2 days a week for approximately 4 hours per day.

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

The noise levels from the four stroke outboards on our boats are very low. The tumbler is electric and is very quiet. The transfer pump and pressure washer will only be used during daylight hours to limit noise as these are the loudest pieces of equipment that we use.

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.

The only lights that will be used on the proposed lease are 12v LED Marine light pods that are mounted to the bow of boats for night navigation, as well as interior lights in the shed on the 20' pontoon boat. The lighting in the shed is for inside work purposes and does not illuminate the surrounding area.

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

Working beyond daylight hours will occasionally occur for culling, order preparation, and stock assessments. This work will be stationary and low noise level, not requiring the use of any equipment. Typically, all work after daylight hours will occur inside the shed on the 20' pontoon boat.

10. CURRENT OPERATIONS

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

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

We currently hold an experimental lease (SCAR NRx) that we plan to replace with this proposed standard lease.

Sam Nygren Personal LPA's – SNYG119, SNYG219, SNYG319, SNYG419

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.

SCAR NRx will 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 is approximately 3 - 8 feet at a 0.0 ft low tide.
The southern portion of the proposed lease area is the shallow end of the lease which tapers down as it heads north. The whole proposed lease tapers down to the deepest portion of the area which is the northwester portion.

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

The approximate depth at mean high water is 12 – 15 feet.

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

The approximate direction of the current will run parallel to our gear. The current runs southeast during the ebb phase and northwest during the flow. The current will reach up to 6 knots at peak flow.

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 characteristics of the proposed site are sand and shell hash, with some mud on the northeastern end of the proposed site.

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

The bottom topography of the site is roughly flat, with a gradual downward slope towards the northwestern corner of the site.

<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>Mud snails (common), hermit crabs (common), sea lettuce (common), red algae (common), double crested cormorants (common), herring gulls (common), sandpipers (common), common terns (common), and least terns (common). Our operations to date have not displaced or interrupted these species in any way that we know of.</p>
<p>4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</p>
<p>Shellfish beds exist in the intertidal areas surrounding the proposed lease site. Soft Shell Clams are harvested at low tide in both the Scarborough and Nonesuch river, but would not be interrupted or limited by proposed operations.</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>No Eelgrass or other aquatic vegetation was observed in the lease area. Saltmarsh grass exists in the surrounding upland areas. The observation was made 10/12/21 by boat. Frequent observation occurs during everyday operations at the site.</p>
<p>6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)</p>
<p>The upland consists of mostly sand and saltmarsh grass.</p>

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

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.

Essential Habitat

Our proposed lease is located within areas classified as “Tidal Waterfowl and Wading Bird Habitat” as well as “Essential Plover and Least Tern Habitat”.

Inland Fisheries and wildlife was invited to attend our preapplication meeting. Robert Stratton and Josh Matijas from IF&W attended the meeting. Mr. Stratton explained to us the importance of maintaining a minimum of 3 feet of water at the location of our gear for wading and foraging birds.

During the duration of the past 3 years using SCAR NRx, we have noticed some minor shifts in the river. The western side of the lease has gotten deeper, and the eastern side of the lease has gotten slightly shallower. We have shifted cages slightly over the past couple years to better fit the existing conditions of the site. Our proposed lease coordinates follow this shift.

In order to satisfy the 3 feet of water at mean low water requirement, we knew we would need to shift our coordinates. When we applied for SCAR NRx the 3-foot minimum water depth was not a requirement. SCAR NRx was intended to be entirely subtidal (Tract 1 currently is. Tract 2 is not entirely subtidal, however we are not seeking to renew this tract). After completing a 3 foot depth survey as detailed above in the Mapping Procedure section, we have selected shifted coordinates that allow our gear to sit the 3 foot mean low water depth.

When SCAR NRx was reviewed by MDIF&W in 2018, John Perry of MDIFW indicated the following:

This site is located within an area mapped as both Essential Habitat and Tidal Waterfowl and Wading Bird Habitat. Based on the location of this site, there will be *partial* impacts to each of these resources. However, due to the location of the site in the lower, wider section of the river, we do not anticipate significant impacts to State Endangered least terns.⁵

Conclusion

We are aware that our proposed coordinates are right on the line of the 3’ water mark at mean low water. There are small sections within the proposed lease area that are slightly less than 3’ of water. During the depth survey performed Nov 9, 2021 it was noted that the areas just inside the 3’ line occasionally overlap with the proposed coordinate boundary very slightly. These areas range from 2’6”-3’ water depth.

The overlapping sections of lease boundary and 3’ water line are not intended to be used for gear. The proposed gear layout is intended to be all within the 3’ water depth portion.

The reason for the overlapping sections is because it is not realistic to have boundary coordinates and corner markers that perfectly follow the 3’ depth line as this would require substantially more boundary coordinates. Additionally, it has been noted that this section of river is dynamic and does slightly shift over time.

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>Commercial fishing in the area exists and is primarily shellfish harvesting. Harvesters dig soft shell clams on intertidal flats at low tide year round. The open area in the Scarborough and Nonesuch rivers is large, and can occur as close as 50 yards away.</p>
<p>2. Recreational Fishing</p> <p>Recreational fishing occurs for striped bass between the late spring through early fall in the Scarborough and Nonesuch rivers. Most fishermen tend to stay in the deeper navigational channel to the west of the site, but we are not requesting exclusive use of the area and welcome recreational fishing.</p>
<p>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)</p> <p>Boating activities also tend to follow the deeper navigational channel to the west (Approximately 250 feet) of the proposed site. Based on observations, the majority of navigation occurs from canoe and kayak traffic. We are not requesting exclusive use of the area and welcome boating activities</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>There are no public or private docks or boat launches within 1000 feet of the proposed site. Town moorings are located near the Pine Point boat launch, but the site was determined in the 10/9/21 lease decision of SCAR NRx not a concern for navigation of these vessels.</p>
<p>5. Other uses (kayaking, swimming, etc.)</p> <p>Kayaking (frequent) and swimming (rare) occur on and around the site. Access to the site by kayak or swimming is from Seavys Landing (approximately 2600 ft to the north) or Pine Point (approximately 2300 feet to the south).</p>
<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.</p>
<p>No private docks or access points exist within 1000 feet of the site. Town moorings exist roughly 700 feet from the site.</p>

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 public beaches, parks, or docking facilities exist within 1000 feet of the proposed lease. The Scarborough Marsh Wildlife Management area is within 1000 feet of the 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>

No LPA licenses exist within 1000 feet of the site.

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.

If the lease is granted, we would not like to exclude any activities from occurring on or around the site. We would like to request that boaters avoid creating excessive wake in and close by the site when we are working on 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 by boat from the Pine Point boat launch.

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

Proposed activities will not affect riparian ingress or 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: Scarborough, ME

MAP #	LOT #	Landowner name(s) and address(es)
R089	001	State of Maine
R088	009	State of Maine

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, Tracy Cole ^{Deputy} Town Clerk for the Town of Scarborough 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: Tracy Cole, Deputy DATE: 11/09/2021



Tax Map

Town of Scarborough
Maine

For Assessing
Purposes Only

Legend

- Elements
- Contour
- County Boundary
- Private ROW
- Property Line
- Right of Way
- Town Boundary
- Water
- Railroad
- Arrowhook Lines
- Parcels Off Zoning
- Zoning

April 1, 2021



1 inch = 330 feet

Map Number
R088





Tax Map

Town of Scarborough
Maine

For Assessing
Purposes Only

Legend

- Elements
- Contour
- County Boundary
- Private ROW
- Property Line
- Right of Way
- Town Boundary
- Water
- Railroad
- Arrowhook Lines
- Parcels Off
- Zoning

April 1, 2021



1 inch = 439 feet

Map
Number
R089



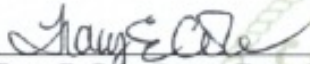
Town of Scarborough, Maine

US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

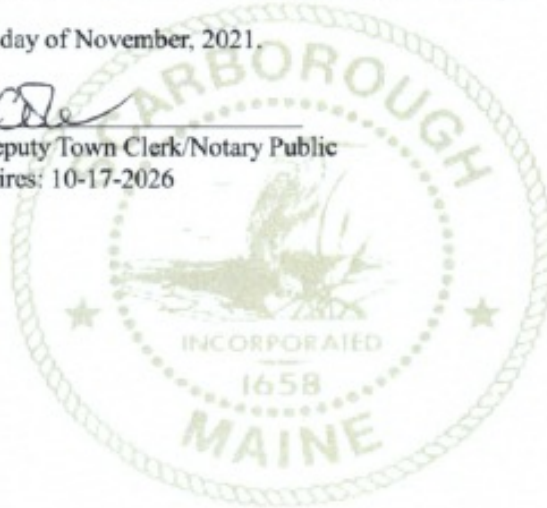
State of Maine
Cumberland County, ss:

I, do hereby attest, that the foregoing document [Maps R088 and R089] were obtained from the Assessor's Office Website from the Town of Scarborough.

Date this the 11th day of November, 2021.



Tracy E. Cole, Deputy Town Clerk/Notary Public
Commission Expires: 10-17-2026



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.

Both owners of Saltwind Seafarm have 3 years of experience operating an aquaculture operation. Between current and expired leases and licenses, we have successfully operated on MHAS119, MHAS219, MHAS319, MHAS419, SNYG119, SNYG219, SNYG319, SNYG419, SCAR NRx, as well as having experience operating watercraft for combined 15-20 years between recreational boating, commercial shellfish harvesting, and commercial tuna fishing.

We currently successfully operate SCAR NRx. We have grown substantially over the past 3 years and have learned how to operate a productive farm. We currently have markets who buy oysters from us on a regular basis.

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.

We currently already own all the equipment, gear, boats, vehicles, Etc. necessary to continue running our operation. Our expenses on the farm are paid for by sales of product grown on the farm. We do not anticipate needing any additional finding to continue running this operation.

To date, we have funded building up this farm primarily out of our own pockets. We have taken a small loan that is currently being paid back each month with farm sales. We do not have any additional debts on this farm and are not looking to expand further.

Our farm has a fixed yearly expense for seed that has historically been paid for by the owners out of pocket, but now will be paid for by farm sales.

Financial letters from our bank are available if necessary.

B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.

As stated above, we have already purchased all necessary equipment, boats, gear etc. We have spent nearly 200,000\$ out of pocket starting this farm to date. We do not anticipate needing to fund any additional expenses out of pocket as the farm is already generating income.

Saltwind Seafarm currently employs two full time employees with additional seasonal help as needed. Currently the farm covers its own expenses.

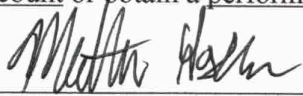
17. ESCROW ACCOUNT OR PERFORMANCE BOND

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, Saltwind Seafarm LLC (Matthew Hassler - Co Owner) 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.

 Co-owner

Applicant Signature

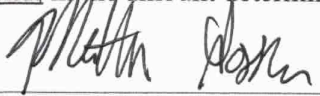
Note: Add title if signing on behalf of a corporate applicant.

MAR 9, 2023

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, Matthew Hassler 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.

MAR 9, 2023

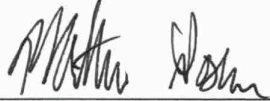
Date

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: Saltwind Seafarm LLC

Title (if corporate applicant): Co Owner – Matthew Hassler

Signature:  Co owner Date: MAR 9, 2023

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: Matthew Hassler

Title (if corporate applicant): Co owner

Signature:  Date: MAR 9, 2023

19. LANDOWNER/MUNICIPAL 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? 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.