

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

Application 2

Applicant	Keith Miller & Ryan Miller		
Contact Person	Keith Miller		
Address	11 Eagle Quarry Road		
City	Spruce Head		
State, Zip	Maine, 04859		
County	Knox		
Telephone	(207) 681-9308 (primary contact method)		
Email	n/a		
Type of Application	<input type="checkbox"/> Draft Application <input checked="" type="checkbox"/> Final Application <small>[submitted before scoping session session] [submitted after scoping session]</small>		
Dates	Pre-Application Meeting: 1/30/23	Draft Application Submitted: 2/21/23	Scoping Session: 9/19/23
Payment Type	Draft Application: <input checked="" type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card		Final Application: <input checked="" type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card

**Note:** The email address you list here will be the primary means by which we will contact you. Please provide an email address 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	St. George
Waterbody	Penobscot Bay
General Description (e.g. south of B Island)	Southwest of Elwell Island in Wheeler Bay
Lease Information	
Total acreage requested (100-acre maximum)	12.8 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".

## APPLICATION SUBMISSION CHECKLIST

**Please note:** This checklist is provided for the applicant's reference and does not need to be returned with the application.

### I. Content

\_\_\_\_\_ **Payment** for non-refundable application fee (\$500 for Draft Applications and \$1,000 for Final Applications). Checks should be included with the application and payable to "Treasurer State of Maine". If paying via credit card, DMR staff will contact you with payment instructions once the application has been received. DO NOT include your credit card information with the application. *Note: your application will not be reviewed until payment has been received.*

\_\_\_\_\_ **One (1) Vicinity map** with required items shown

\_\_\_\_\_ **One (1) Boundary drawing** with required items shown

\_\_\_\_\_ **One (1) Gear drawing** for each type of gear proposed

\_\_\_\_\_ **One (1) Overhead view** depicting layout of gear from overhead

\_\_\_\_\_ **One (1) Cross section view** depicting gear & moorings from the side for each gear configuration

\_\_\_\_\_ **Tax map(s)**

\_\_\_\_\_ **Riparian list**, certified (*if applicable*)

\_\_\_\_\_ **Corporate applicant information document** and articles of incorporation or documentation of partnership (*if applicable*). This form is required and must be submitted if the applicant is a corporation or partnership (available at <https://www.maine.gov/dmr/aquaculture/forms/standard.html>).

#### **If any portion of the proposed lease site is above mean low water:**

\_\_\_\_\_ **Written permission** from all riparian landowners of the intertidal land on which the lease is proposed.

\_\_\_\_\_ **Written consent** from the municipal officers (only required if the municipality has a shellfish conservation program per 12 MRSA §6671).

### II. Formatting

\_\_\_\_\_ All pages (including attachments) are numbered sequentially

\_\_\_\_\_ All attachments are clearly labeled and legible

\_\_\_\_\_ Drawings and maps are legible, labeled properly, and include all required elements

\_\_\_\_\_ All questions have been answered and signature pages signed

\_\_\_\_\_ Please do not staple applications

### 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):	WV
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](mailto:DMRPublicHealthDiv@maine.gov)

### 4. SPECIES INFORMATION

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

Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock or juveniles	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1. Sugar Kelp ( <i>Saccharina latissima</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)
2. Skinny Kelp ( <i>Saccharina angustissima</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)
3. Winged Kelp ( <i>Alaria esculenta</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)
4. Horsetail Kelp ( <i>Laminaria digitata</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)
5. Shotgun Kelp ( <i>Agarum clathratum</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)
6. Irish Moss ( <i>Chondrus crispus</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)
7. Dulse ( <i>Palmaria palmata</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)
8. Laver ( <i>Prophyra</i> spp.)	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)
9. <i>Gracilaria tikvahiae</i>	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)
10. Sea Lettuce ( <i>Ulva lactuca</i> )	Atlantic Sea Farms 20 Pomerleau Street Biddeford, ME 04005	25,000 ft seed (combined)

<p><b>B. Do you intend to possess, transport, or sell whole or roe-on scallops?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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If you answered “yes” please contact the Bureau of Public Health to discuss your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

**Note:** If you are proposing to grow molluscan shellfish, this application also serves as your written operational plan as required in the National Shellfish Sanitation Program (NSSP) Model Ordinance Chapter 2 and must be maintained in your files. If you wish to submit an operational plan separate from this application, please contact: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov).

### 5. VICINITY MAP

**Note:** Please label as: ‘Vicinity Map’.

**Directions:** Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the proposed lease site.

The map needs to display the following:

- 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.

**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.).

<b>Specific Gear Type</b> (e.g. soft mesh bag)	<b>Dimensions</b> (e.g. 16"x20"x2")	<b>Time of year gear will be deployed</b> (e.g. Spring, Winter, etc.)	<b>Maximum amount of this gear type that will be deployed on the site</b> (i.e. 200 cages, 100 lantern nets, etc.)	<b>Species that will be grown using this gear type</b>
Marine Algae Culture Lines - Poly line	3/8", 1,000' long	October 1st - June 15th	25 lines	Marine algae
Crosslines	3/8", 500' long	October 1st - June 15th	3 lines	Marine algae
Depth Control Buoys - Traditional lobster buoys	7" x 14"	October 1st - June 15th	up to 225 (9 per line)	Marine algae
PVC Pipe (encasing 3/8" poly line) - Structure for depth control device	1/2" x 7' long	October 1st - June 15th	up to 225 (9 per line)	Marine algae
Counterweight - Weight for depth control device	~8-10 lbs	October 1st - June 15th	up to 225 (9 per line)	Marine algae

Mooring Buoys - A3 or A4 polyballs	A3 Polyball - 23" x 17" <u>OR</u> A4 Polyball - 27" x 20.5"	All Year	50	Marine algae
Galvanized Mooring Chains	½", 25' long	All year	56	Marine algae
Mooring Lines - 3-strand nylon rope	¾-1" x26' long	All year	56	Marine algae
Moorings - Concrete blocks	~1,000 lbs	All year	56	Marine algae
State-required Lease Markers - Low-drag buoys	24" long, 11.5" wide	All year	6	Marine algae

**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.
N/A

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

**D. Gear Color**

Provide the color of the gear and structures proposed to be used at the lease site.
Polyballs in hues of grey will mark moorings on the lease site and mixed colors (grays, blacks, browns, blues, and greens) and style lobster buoys will be used as depth control buoys across the farm. The four corners of the lease and the long boundary of the lease will be marked with the required yellow marker buoys.

**E. Equipment Layout**

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

**F. Marking**

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? In part, this requires marker buoys which clearly display the lease ID and the words SEA FARM to be located at each corner of the lease. Effective January 1, 2023, marker buoys need to be yellow and host reflective material. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered no, explain why and suggest alternate markings.

**Note:** If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard Regulations contact: 1<sup>st</sup> Coast Guard District, Aids to Navigation Office ((617)-223-3293).

## 8. PRODUCTION ACTIVITIES

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

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

Kelp seeding will take place between October 1st - December 31st (depending on seed availability) and will take roughly one week (5-7 days during daylight hours) to outplant. In the future, red and green seaweed species would be deployed in between January and March and could take 2-3 days to outplant.

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

Longlines will be monitored for growth, fouling, and gear integrity at a minimum of one day every two weeks and after any significant storm during the growing season. In the spring, (March & April) additional time at the site may be needed to monitor for fouling and to add counterweights to the culture lines, as needed.

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

Longlines will be monitored at a minimum of every two weeks and after any significant storm during the growing season.

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

Harvesting will be done using my lobster boat. Longlines will be hauled using a winch mounted on deck and through a block hanging off a secured boom. Kelp will be cut by hand from the longline. Once the kelp is cut from the line it will be transferred by hand into harvest bags on the deck of the boat and then offloaded at the dock later that day.

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

I will be at the kelp farm on during daylight hours on favorable weather days during the harvest season. Harvesting typically occurs between April and June. I estimate it will take 7-10 working days to harvest the site, depending on weather and kelp biomass. All species, current kelps and future reds and greens, will be harvested to completion between April and June.



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.

Moorings, mooring buoys and associated tackle, and required lease markers will remain on the site year round. All culture lines and depth control buoys will be removed from the farm site once the kelp is cut from the line at harvest. The culture lines, crosslines, and depth control buoys will be brought to shore and stored for next season on my property.

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

No predator control techniques will be used on the proposed lease site.

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)

N/A

## 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?

A lobster boat will be used to set and retrieve gear (moorings & longlines) and also used for harvesting operations. Skiffs will be used to seed the culture lines in the fall and assist in tending the gear for detail oriented tasks.

**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?

A winch mounted on the deck of my lobster boat will be used during harvest season (April-June) to haul culture lines and harvest seaweed.

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

All seeding, monitoring and harvesting operations are done by hand on the boats and require no powered equipment beyond a winch mounted on the lobster boat. There will be minimum engine noise that will not exceed what is typical for traditional lobster fishing operations in the area. All farm work occurs during the day so there will be no noise after dark.

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

N/A

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

The only circumstance that would require work beyond daylight hours would be if damaged gear were to cause a navigational hazard.

**10. CURRENT OPERATIONS**

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

<b>A. Describe your existing aquaculture operations, including the acronyms of all active leases and/or licenses.</b>
I currently hold three experimental leases: PEN RBx, PEN EIx, and PEN Nix.

<b>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.</b>
PEN EIx expired on 6/19/23 and, if granted, will be replaced by the lease proposed in this standard lease application.  PEN RBx, which expired on 5/31/22, has a standard lease application pending which would replace the experimental lease.  PEN Nix, which expired on 5/31/23, has a standard lease application pending which would replace the experimental lease.

**11. ENVIRONMENTAL CHARACTERIZATION**

**Directions:** Using your knowledge of the area, describe the environment of the proposed lease site. Be sure to include units of measurement in your answers (i.e. feet, cm/s).

<b>A. What are the approximate depths at mean low water?</b>
17-33'

<b>B. What are the approximate depths at mean high water?</b>
29-45'

<b>C. Provide the approximate current speed and direction during the ebb and flow.</b>
The flood and ebb currents run north and south respectively at a maximum of 1 knot.

<b>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.</b>
<b>1. What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?</b>
The bottom is mainly composed of gravely mud.

2. Describe the bottom topography (flat, steep rough, etc.).
The bottom of the site is mainly flat with a slight incline at the southeastern end.
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?
Small American lobster and crabs are common and typically seen in the summer months of July and August. These sightings are based on my observations over my 40+ years of fishing in this area.
4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.
I am not aware of any shellfish beds or fish migration routes in the 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.
Based on data collected in 2010, the proposed lease is outside of the eelgrass zone. The nearest beds mapped during this study were over 275 ft east of the proposed site. Eelgrass beds are generally observed in shallow waters which allow for adequate light penetration to support photosynthesis. The proposed site is in a water depth between 17-33ft (MLW) and 29-45 ft (MHW) which is not ideal habitat for eelgrass.

6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)
The shoreline of Hen, Eagle, and Elwell Island are rocky with mature forests upland. Eagle and Elwell both have residential dwellings.

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](mailto:John.Perry@maine.gov), phone: 207-287-5254) prior to application submission.

## 12. EXISTING USES

<p><b>A.</b> 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><b>1. Commercial Fishing</b></p>
<p>Very limited lobstering (10-30 traps) takes place in the proposed area from July - Mid-October. No commercial fishing has been observed from November - June.</p>
<p><b>2. Recreational Fishing</b></p>
<p>I haven't observed recreational fishing on or near the proposed site.</p>
<p><b>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)</b></p>
<p>The site is not frequently (less than 5 times during the summer months) used for transit by commercial fishing boats. Recreational boats or sailboats are very rare and may be observed a couple of times during the summer months. Boating activity is not present when the farm is active.</p>
<p><b>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.)</b></p>
<p>The proposed farm should not impact ingress or egress of landowners. There is a private dock located approximately 800' northeast of the proposed site on Elwell Island. There is one private mooring located approximately 200' south of the proposed site off of Eagle Island. I have only observed these sites being used infrequently by one boat (at each location) during the summer months.</p>
<p><b>5. Other uses (kayaking, swimming, etc.)</b></p>
<p>I have not observed any recreational activities (kayaking, swimming, etc.) on or near the proposed site.</p>

<p><b>B.</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>The proposed farm should not impact ingress or egress of landowners. There is a private dock located approximately 800' northeast of the proposed site on Elwell Island. There is one private mooring located approximately 200' south of the proposed site off of Eagle Island. I have only observed these sites being used infrequently by one boat (at each location) during the summer months.</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.

There is a rocky beach owned by the Maine Coast Heritage Trust located approximately 1,000 ft northeast of the proposed site on Elwell Island. I have never observed this beach being used by any landowners and do not anticipate the proposed site to impact use of this beach.

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. The proposed standard lease lies within the a portion of the footprint of the current experimental lease PEN E1x and will replace this experimental lease if 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.

Exclusive use of the site from October 1-June 15 would be requested. All boats would be asked to transit around the lease area during this time to maintain farm gear and safe navigation for all users.

**14. RIPARIAN LANDOWNERS AND SITE ACCESS**

A. If your lease is within 1,000ft of shorefront land (**which extends to mean low water or 1,650 ft. from shore, whichever is less, according to NOAA charts**), the following supporting documents are required:

1. A labeled copy of a tax map(s) depicting the location of the proposed lease site and including the following elements:
  - Label the map “Tax Map: Town of (name of town).”
  - Legible scale
  - Tax lot numbers clearly displayed
  - The boundaries of the proposed lease
  
2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000ft of the proposed lease site. Have the tax collector or clerk of the municipality certify the list. Refer to the riparian determination guidance document to ensure all riparian landowners are included:  
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>

*Note:* When the application and riparian list are both ready to be submitted, you may choose to email a copy of the riparian list and proposed lease coordinates to [DMRAquaculture@maine.gov](mailto:DMRAquaculture@maine.gov) for staff to verify that all required parcels are included on the list *before* having it certified by the municipality. DMR will not verify a riparian list multiple times, so please ensure there will be no additional changes to the application before emailing the riparian list for verification.

3. If any portion of the site is intertidal, you need to complete the steps outlined in the section titled: “19. Landowner/Municipal Permission Requirements”.

<p><b>B. Will your access to the lease area be across riparian land?</b></p> <p><input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p>
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**Note:** If you selected yes, you will need to complete the landowner permission requirements included in “19. Landowner/Municipal Permission Requirements” of this application.

<p><b>C. How will you access the proposed site?</b></p>
<p>Access to the proposed lease site will be by boat, leaving from Wheeler’s Bay, Penobscot Bay.</p>

<p><b>D. How will your proposed activities affect riparian ingress and egress?</b></p>
<p>There will be no direct affect on riparian ingress and egress. There will be navigable waterways around all sides of the proposed lease site.</p>

**RIPARIAN LANDOWNER LIST**

*\*THIS LIST MUST BE CERTIFIED\**

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

**TOWN OF:**

MAP #	LOT #	Landowner name(s) and address(es)
226	001	Frederick J. Mazzone 80 Michigan Avenue Tenants Harbor, ME 04860
226	002	Baxter A. & Melody G. Smith, and Trustees 10023 Old Furnace Road Seaford, DE 19973
226	002-1ON	Baxter Smith 10023 Old Furnace Road Seaford, DE 19973
226	002-ON	Florence Brown 13 Sewall Lane Topsham, ME 04086
226	003	Fiona Mary Baigrie Hooper P.O. Box 209 490 Port Clyde Road Tenants Harbor, ME 04860
226	004	Maine Coast Heritage Trust 1 Bowdoin Mill Island Suite 201 Topsham, ME 04086

**Please use additional sheets if necessary and attach hereto.**

I, William R. Coffey, Jr. <sup>Deputy</sup> **CERTIFICATION** Town Clerk for the Town of St. George 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: William R. Coffey, Jr. DATE: 3/20/24



## 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.

I have been help farming for 6 years. Documentation of success is available using DMR's Landings program. I have participated in farmer training from both the Island Institute and Atlantic Sea Farms through their partner farmer program. I currently hold 3 experimental leases to farm kelp.

## 16. FINANCIAL CAPABILITY

### A. Financial Capability

Please provide a letter from a financial institution indicating the applicant has an account in good standing.

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

I currently own all gear necessary for implementation of the proposed lease. Please see attached letter from my financial institution.

### B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.

Roughly \$4,000.00 to maintain the cost of the ropes, buoys, and tending moorings per season. Vessels require an additional \$1,000.00 per season for maintenance and upkeep.

**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) Keith Miller 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.

Keith Miller  
**Applicant Signature**

3/19/24  
**Date**

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

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

I, (printed name of applicant) Ryan Miller 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.

Ryan Miller  
**Applicant Signature**

3/19/24  
**Date**

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

**18. APPLICANT SIGNATURE PAGE**

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

Printed name: Keith Miller

Title (if corporate applicant): n/a

Signature: [Handwritten Signature] Date: 3/19/24

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: Ryan Miller

Title (if corporate applicant): n/a

Signature: ~~[Handwritten Signature]~~ Date: ~~3/19/24~~  
Ryan Miller 3/19/24

**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.

### **Note to Applicants:**

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

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

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

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

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

### **FAQs-Application Process**

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

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

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

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

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

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

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

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

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

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

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

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

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

**How long does the leasing process take?**

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

**When will my lease be granted?**

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

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

Figure 1. Section 5 - Vicinity Map

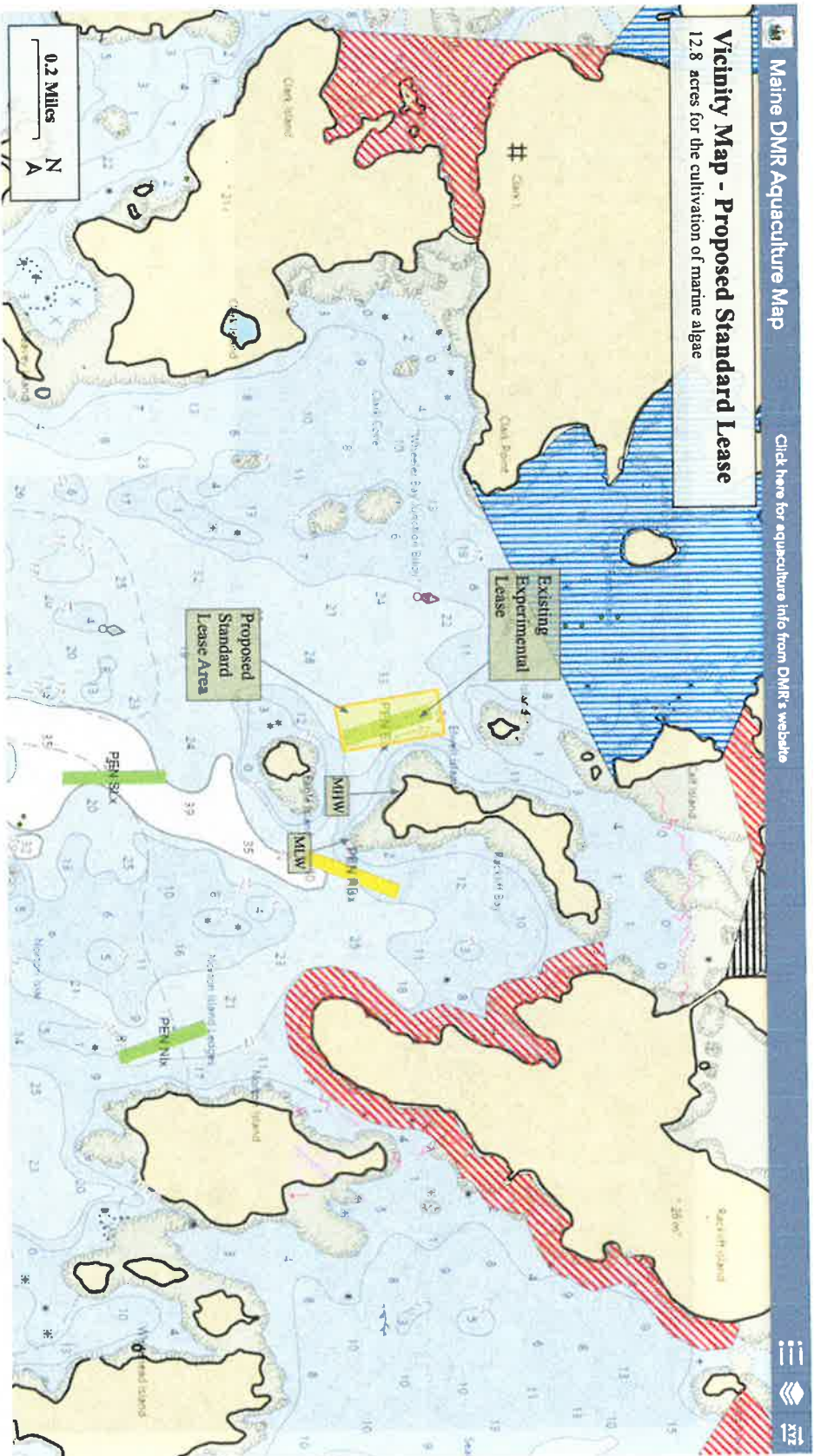
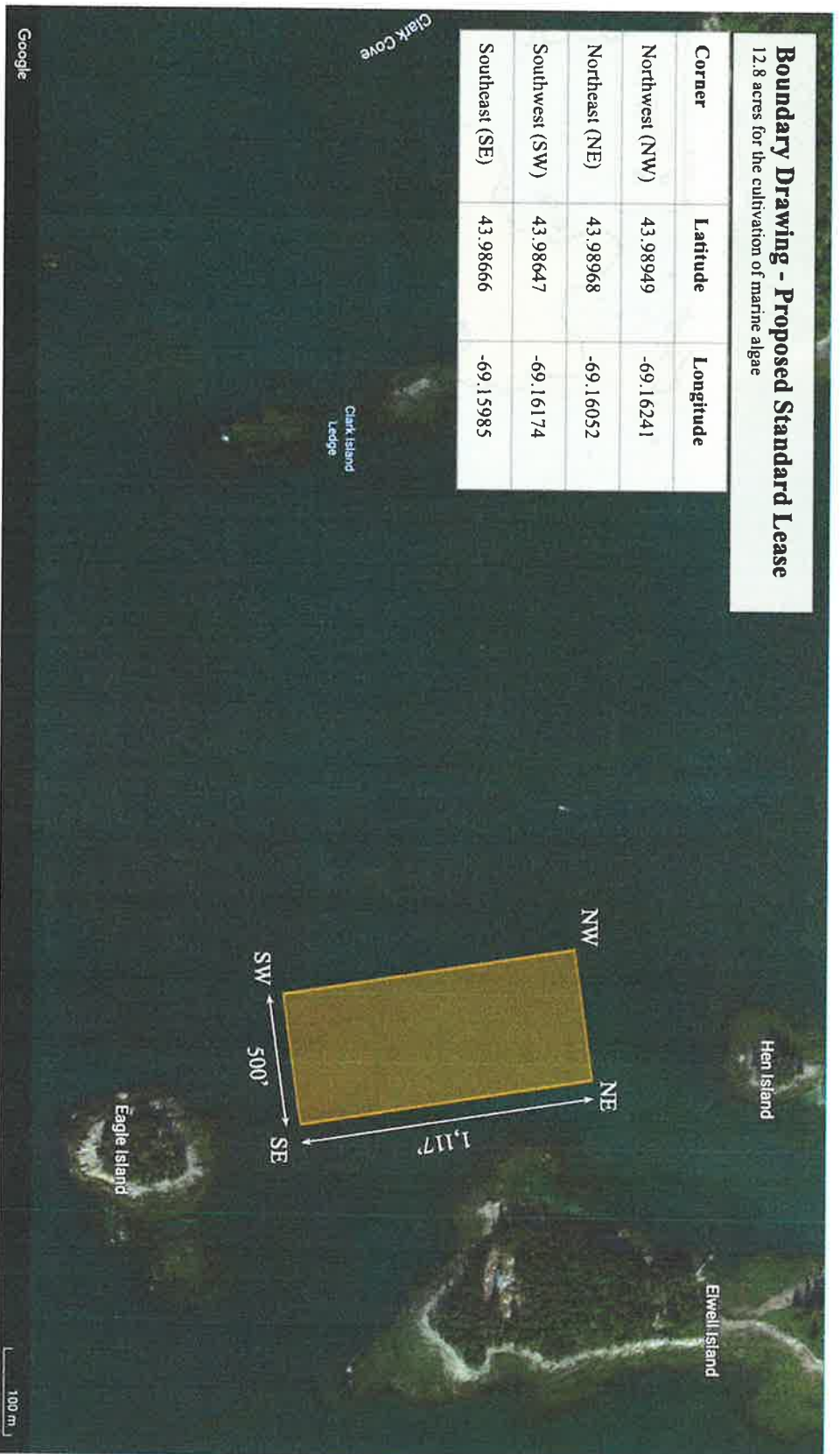


Figure 2. Section 6 - Boundary Drawing



Datum Coordinates: WGS 1984



Figure 3. Section 7 A1 - Gear Drawing

 <p><b>Marine Algae Culture Lines &amp; Crosslines -</b> Poly sink line Diameter: 3/8" Length: 1,000' (culture lines); 500' crosslines</p>	 <p><b>Counterweight -</b> Weight for depth control device Weight: 8-10 lbs</p>	 <p><b>Mooring Lines -</b> 3-strand nylon rope Diameter: 3/4-1" Length: 18'</p>
 <p><b>Depth Control Buoys -</b> Traditional lobster buoys Width: 7" Height: 14"</p>	 <p><b>Mooring Buoys -</b> A3 or A4 polyballs Width: 17" (A3); 20.5" (A4) Height: 23" (A3); 27" (A4)</p>	 <p><b>Moorings -</b> Concrete blocks Weight: 1,000 lbs</p>
 <p><b>PVC Pipe -</b> (encasing 3/8" poly line) Structure for depth control device Diameter: 1/2" Height: 7"</p>	 <p><b>Galvanized Mooring Chains</b> Diameter: 1/2" Length: 25'</p>	 <p><b>State-required Lease Markers -</b> Low-drag buoys Width: 11.5" Height: 24"</p>

Figure 4. Section 7 B1 - Overhead View During Growing Season (October 1 - June 15)

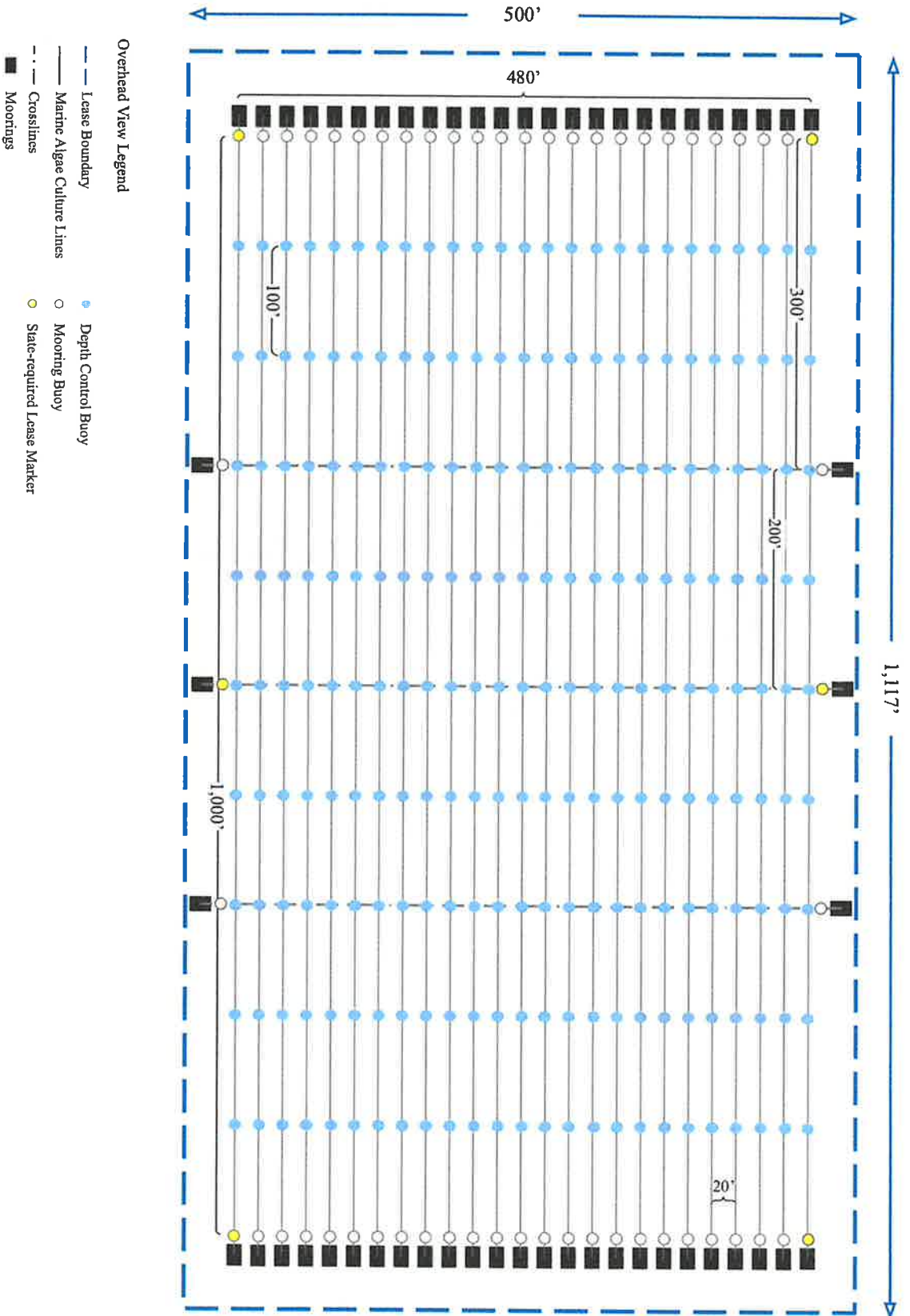


Figure 5. Section 7 B1 - Overhead View During Off-Season (June 16 - September 30)

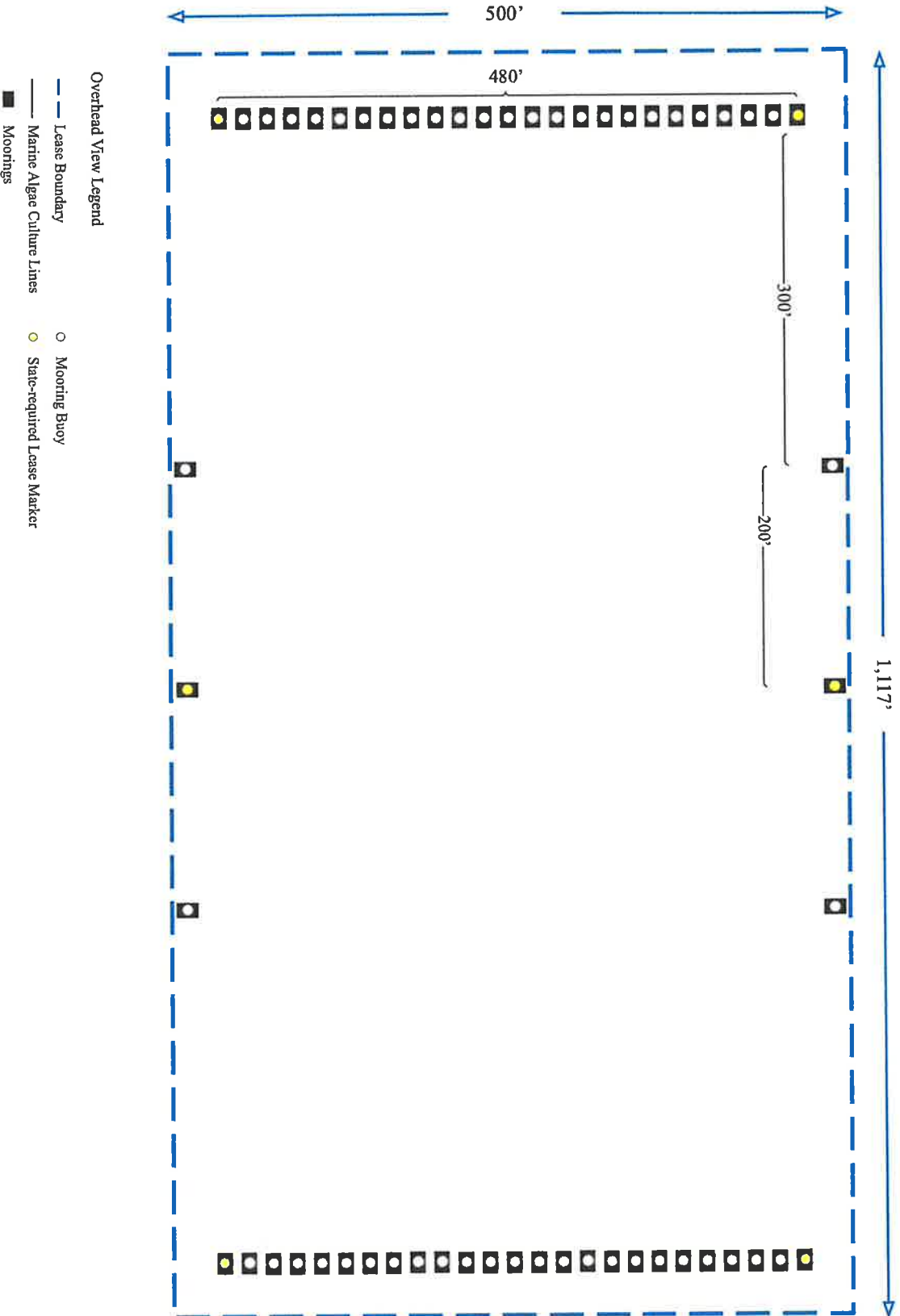


Figure 6. Section 7 B2 - Cross-Section View During Growing Season (October 1 - June 15)

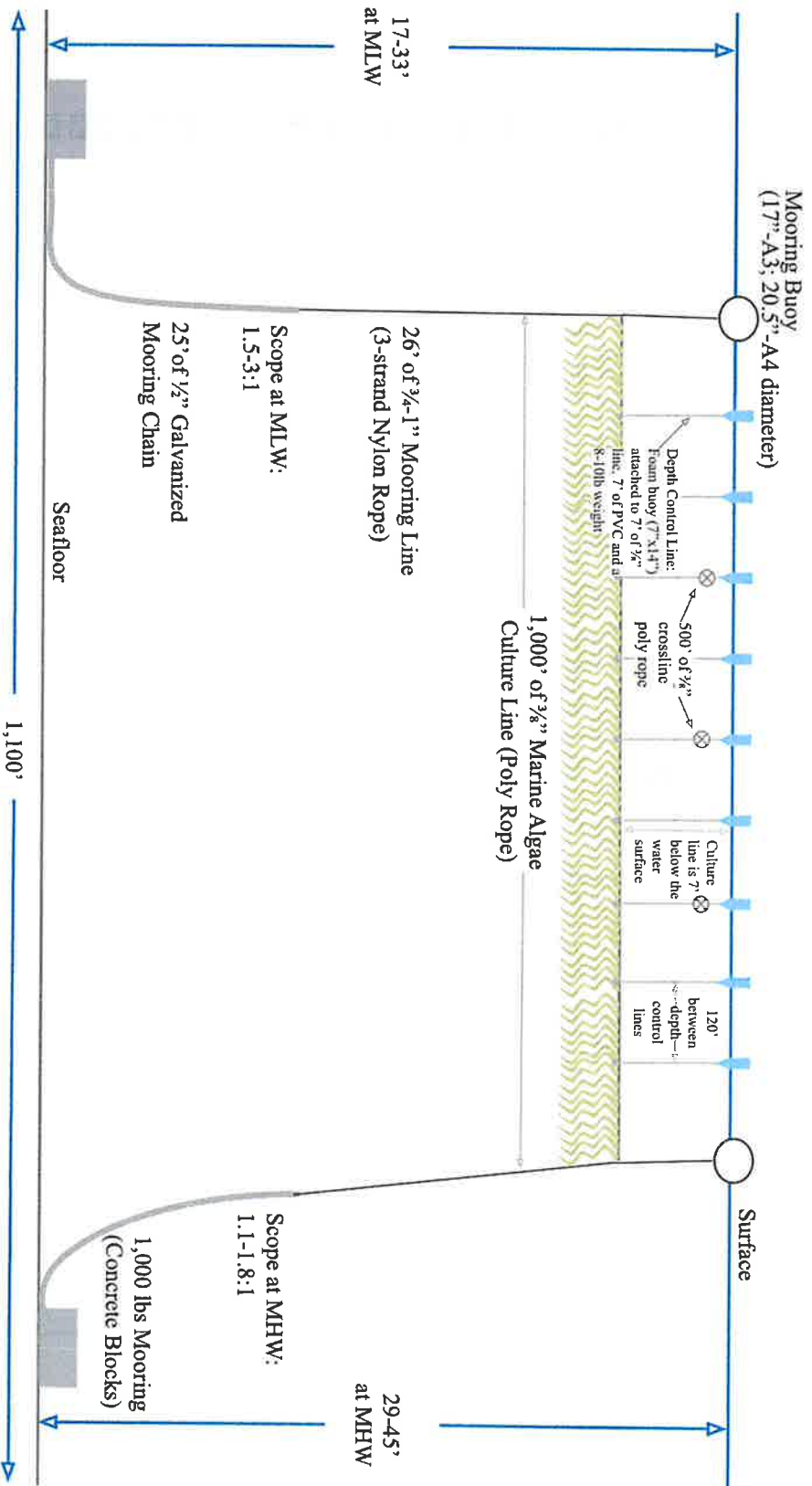


Figure 7. Section 7 B2 - Cross-Section View During Off-Season (June 16 - September 30)

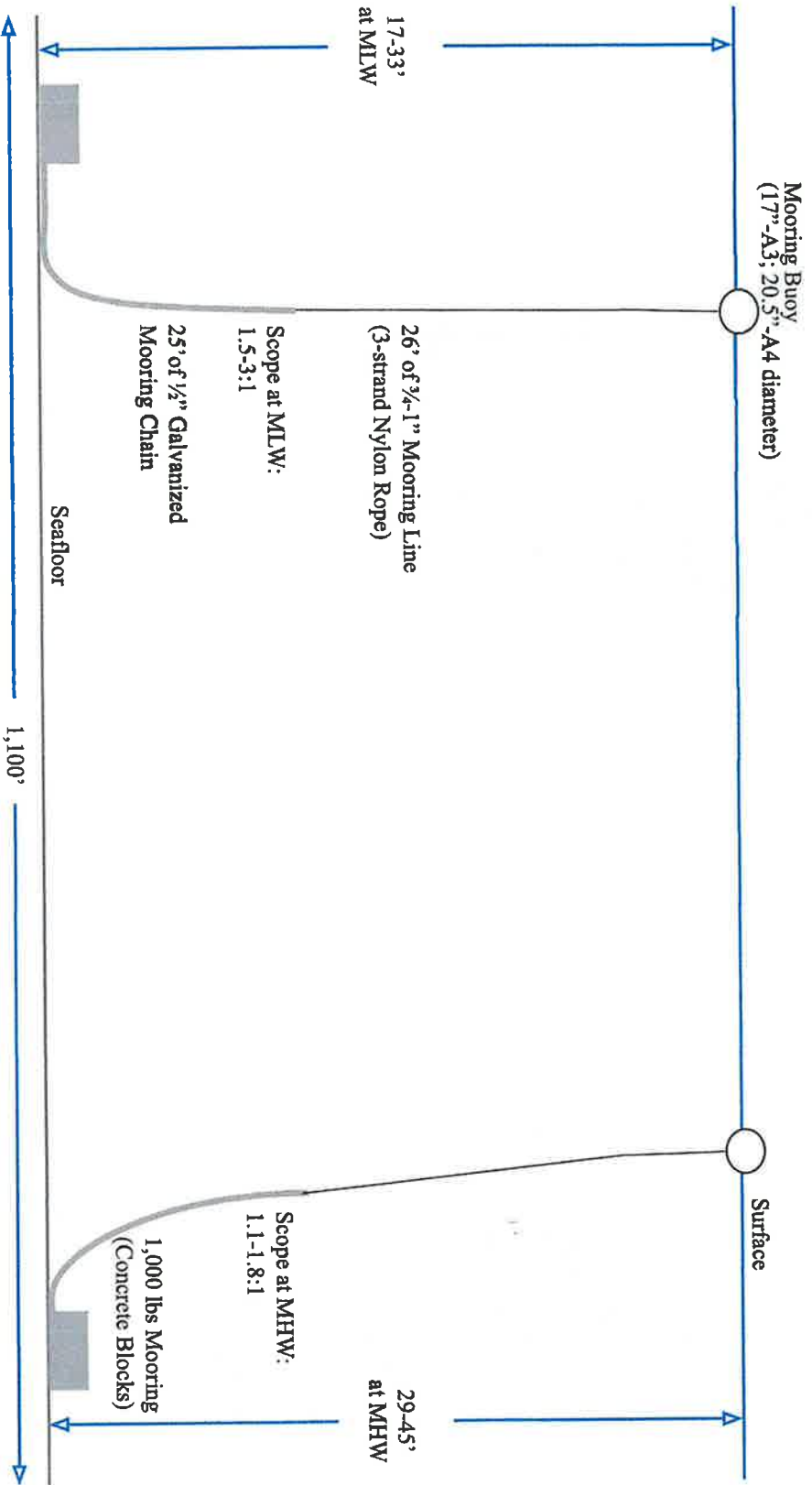


Figure 8. Section 7 E - Equipment Layout: Northern edge of proposed lease looking south



Figure 9. Section 7 E - Equipment Layout: Southern edge of proposed lease looking north

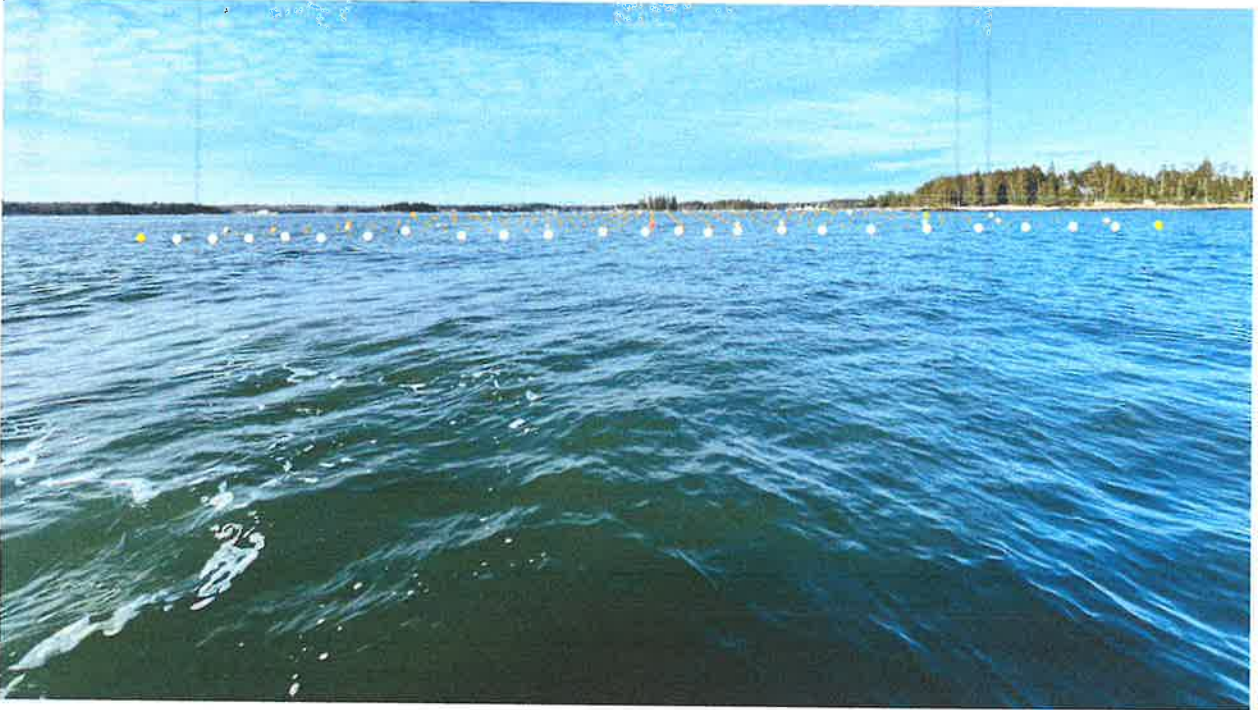
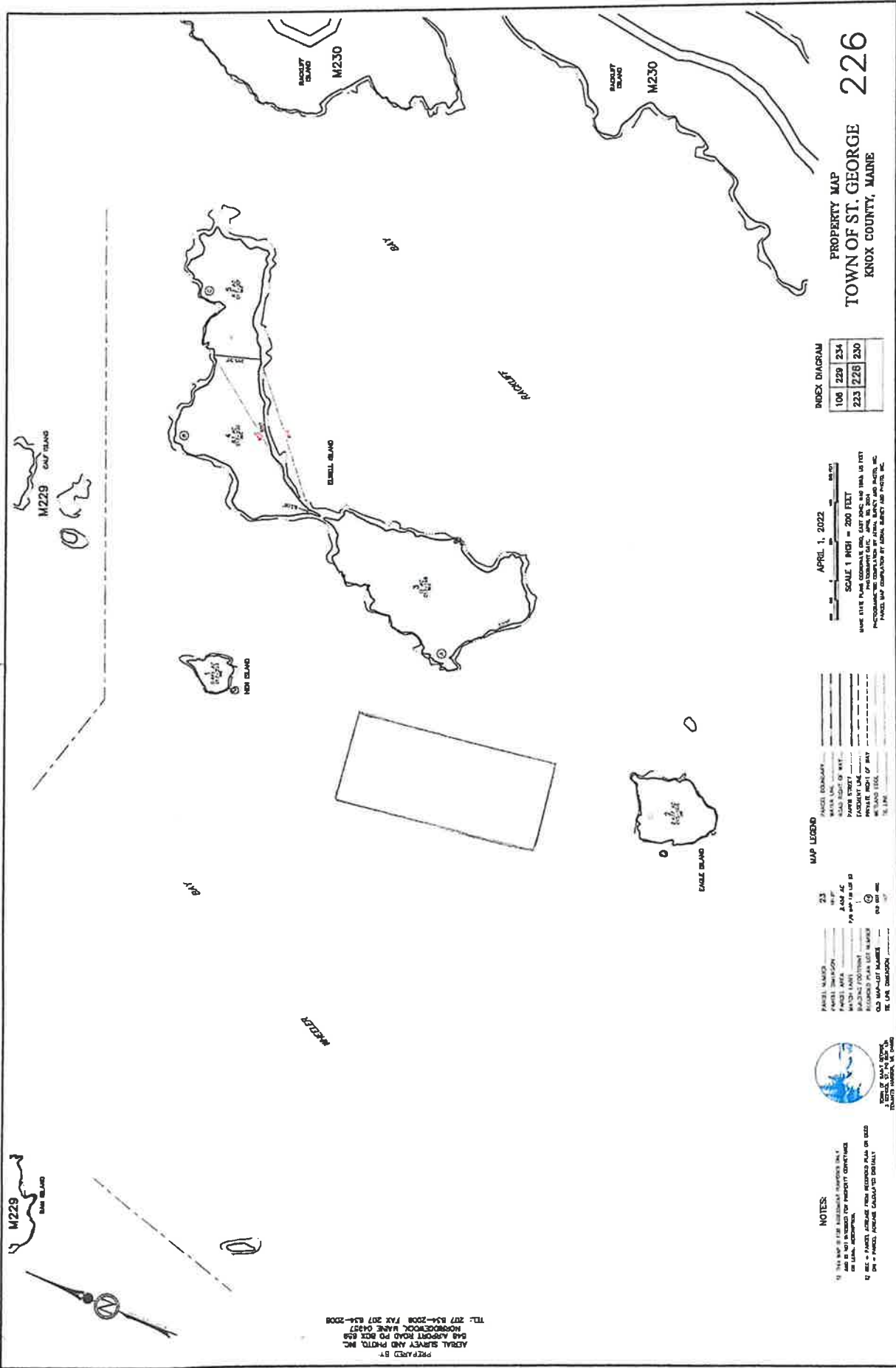


Figure 10. Section 14 A1 - Tax Map - Town of St George



**NOTES**

- 1) THIS MAP IS FOR INFORMATION PURPOSES ONLY. IT IS NOT A GUARANTEE OF BOUNDARY OR AREA. ACCEPTANCE OF THIS MAP IS AT THE USER'S SOLE RISK.
- 2) ALL PARCEL AREAS FROM RECORDS FILED ON 02/01/2022.
- 3) ALL PARCEL AREAS CALCULATED ORIGINALLY BY THE LAND COMMISSION.

**MAP LEGEND**

Parcel Number	23
Parcel Area	1.00 AC
Parcel Area	1/4 AC
Parcel Area	1/8 AC
Parcel Area	1/16 AC
Parcel Area	1/32 AC
Parcel Area	1/64 AC
Parcel Area	1/128 AC
Parcel Area	1/256 AC
Parcel Area	1/512 AC
Parcel Area	1/1024 AC
Parcel Area	1/2048 AC
Parcel Area	1/4096 AC
Parcel Area	1/8192 AC
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Experienced people. Exceptional service.

February 3, 2023

Aquaculture Division of the Dpt. Marine Resources,

This letter is to confirm that Keith Miller has the financial ability to complete the Standard Lease project that he is working on.

If you need more information, please contact me at 207-561-2791.

A handwritten signature in black ink that reads "Lisa Gundel".

Lisa Gundel

AVP/Branch Manager





October 23, 2023

Department of Marine Resources  
Attn: Aquaculture Division  
21 State House Station  
Augusta, Maine 04333-0021

Dear Aquaculture Division of the Department of Marine Resources,

I am writing in support of Keith Miller and Ryan Miller's standard lease application located in Wheeler Bay in the waters of St. George.

Our mission at Atlantic Sea Farms (ASF) is focused on providing diversified income opportunities for Maine fishermen through seaweed farming. We currently work with 30 partner farmers, including the Millers, throughout the coast of Maine – most of whom are commercial fishermen or professional aquaculturists. As a result of these partnerships the US' sustainable kelp aquaculture sector has been led by Maine's hard working fishermen, coastal communities have benefited from economic development, and seaweed cultivation has aided in removing carbon and nitrogen and in mitigating ocean acidification in our local coastal waters.

We believe that Keith Miller has shown themselves to be a responsible farmer for the past six years farming on PEN E1x. In that time, their work has had a positive economic impact on their community and they have been a key to expanding seaweed aquaculture in the state.

We have worked with the Millers to convert PEN E1x from an experimental lease to a standard lease. Their initial experimental lease site was carefully selected to not negatively impact commercial or recreational fishing, recreational activities, landowner access, or other aquaculture operations. They have undertaken the same level of due diligence during the standard lease application process to ensure that the expansion of their site will not disrupt nearby communities or activities. As part of the Millers continued partnership with ASF, in addition to lease application support, we will provide technical assistance, supply native kelp seeds from our state of the art cultivation center for permitted species free of charge, and guarantee purchase of 100% of seaweed grown.

I thank you for your time. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Liz MacDonald".

Liz MacDonald  
Seaweed Supply Director  
[lmacdonald@atlanticseafarms.com](mailto:lmacdonald@atlanticseafarms.com)

Atlantic Sea Farms  
20 Pomerleau St.  
Biddeford, ME 04005

