

STATE OF MAINE

Wild Ocean Aquaculture, LLC

DEPARTMENT OF MARINE RESOURCES

Aquaculture Lease Renewal Application

CAS LONG

Suspended culture of blue sea mussels

Casco Bay, Long Island

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

Wild Ocean Aquaculture, LLC applied to the Department of Marine Resources (DMR) to renew the aquaculture lease CAS LONG for a period of 20 years. The 1.74-acre lease is issued for the suspended culture of blue sea mussels (*Mytilus edulis*) located south of Little Chebeague Island in Casco Bay, Town of Long Island in Cumberland County. This lease was initially issued to Trundy Point, LLC on May 13, 2011 and subsequently transferred to Wild Ocean Aquaculture, LLC on August 27, 2019.

1. PROCEDURE

Notice of the completed renewal application and the 30-day public comment period and opportunity to request a public hearing was published in the *Forecaster* on May 5, 2021. Notice was also provided to the municipality, federal and other state agencies and sent to subscribers of DMR's aquaculture email list-serve. There are no riparian landowners within 1,000 feet of the lease site. No requests for a hearing on this application were received by DMR during the comment period. Therefore, no public hearing was held on the renewal request.

2. STATUTORY CRITERIA

Aquaculture lease renewals are governed by 12 M.R.S. §6072(12) and by Chapter 2.45 DMR's rules, which provide that an aquaculture lease shall be renewed if: the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 1,000 acres; and the lease is not being held for speculative purposes.

A. Compliance with lease

The review of the case file associated with this lease indicates compliance with the lease agreement. There are no outstanding complaints regarding this lease. **Therefore, I find** that the applicant has complied with the lease agreement during its term.

B. Best interest of the State of Maine

In determining whether it is in the best interest of state to renew the lease,

DMR takes into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest.

On May 11, 2021, the Maine Department of Inland Fisheries and Wildlife (IF&W) submitted a comment on the renewal request, which noted “minimal impacts to wildlife are anticipated for this project.”¹ DMR did not receive any other comments concerning new or existing uses of the area. Based on the record, there is no evidence of conflicts with new or existing uses of the area.

Therefore, I find that it is in the best interests of the State of Maine to renew this lease.

C. Aggregate lease holdings

According to DMR records, the Wild Ocean Aquaculture, LLC holds the following leases:

Lease Acronym	Acreage²
CAS BA2	1.99
CAS BASK2	4.01
CAS CF3	11.00
CAS CHEB2	3.03
CAS LCI2	0.82
CAS LONG	1.74

Including CAS LONG, Wild Ocean Aquaculture, LLC currently leases 22.59 acres from the State of Maine.

Therefore, I find that the renewal of this lease will not cause the lessee to hold more than 1,000 acres.

D. Speculative purposes

Chapter 2.45(2)(A) of DMR’s regulations provides that in determining whether a renewal is being conducted for speculative purposes, DMR must consider “whether the current lessee has conducted substantially no research or aquaculture in the lease areas during the previous lease term.” The renewal application indicates that “blue mussels were cultivated full time during the previous lease term.”³ This is consistent with a review of the record, which indicates aquaculture activities occurred on the site during the previous lease term.

¹ CF: Email from R. Settele to the Aquaculture Division dated May 11, 2021.

² The acreage provided in the table is based on the GIS database. However, the lease for CAS BA2 lists the acreage at 2.0 acres and the lease for CAS CLI2 lists the acreage at 0.86 acres. In some cases, there may be a difference between the acreage listed in a lease decision/agreement and the acreage calculated from the lease coordinates using relatively new and more accurate mapping software. When such a discrepancy occurs, it is DMR’s policy to use the acreage in the GIS database and update lease decisions and agreements accordingly. The difference does not change the footprint of the lease site or any other elements of the lease agreement. Using the acreage from the database helps ensure that acreage is consistent across the leasing program. DMR will follow-up with the holder to update the lease agreements for those sites, so they reflect the acreage in the GIS database as listed in the table.

³ See page 2 of the renewal application.

Therefore, I find that the lease is not being held for speculative purposes.

3. LEASE CONDITIONS

The following conditions were applied to the lease by the original decision:

- a) The lease area shall be marked in accordance with U.S. Coast Guard and Department of Marine Resources Regulations Chapter 2.80.
- b) Dragging is prohibited on the lease site. Navigation and other forms of fishing are permitted in open areas of the lease.

Condition “a” which pertains to site marking is a term of all aquaculture lease agreements and is a regulatory requirement. Therefore, if the renewal is granted this condition will be removed from the lease agreement as it is already contemplated in applicable regulation.

4. DECISION

The Commissioner grants the application of Wild Ocean Aquaculture, LLC to renew the aquaculture lease CAS LONG for a period of twenty years. The renewed lease is subject to the same terms, conditions, and obligations as set forth in the original lease, except as modified by this decision.

5. REVOCAION OF LEASE

The Commissioner may commence revocation procedures upon determining pursuant to 12 M.R.S. §6072 (11) that no substantial aquaculture has been conducted within the preceding year, that the lease activities are substantially injurious to marine organisms, or that any of the conditions of the lease or any applicable laws or regulations have been violated.

6. DATE AND SIGNATURE

Dated: 11/30/2021

Patrick Keliher
Patrick Keliher (Nov 30, 2021 16:59 EST)

**Patrick C. Keliher, Commissioner,
Department of Marine Resources**









CAS LONG_RenewalDecision_Final

Final Audit Report

2021-11-30

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