

EXPERIMENTAL LEASE APPLICATION

1. APPLICANT CONTACT INFORMATION

Applicant	FV 11th Hour Inc.
Contact Person	Kyle Nichols
Address	P.O. Box 11
City	Sandy Point
State, Zip	ME, 04972
County	Waldo
Telephone	(207) 659-2701
Email	kylenichols3@gmail.com
Payment Type	<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 checked regularly. If you do not use email, please leave this blank.

2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	Searsport
Waterbody	Penobscot Bay
General Description (e.g. south of B Island)	Southwest of Sears Island
Lease Information	
Total acreage (4-acre maximum) and lease term (3-year maximum) requested	3.94 acres, 3 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) <input type="checkbox"/> Net Pen (finfish)
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: "17. 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"):	WW
Growing Area Section (e.g. "A1"):	A1

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 you plans at the following email: DMRPublicHealthDiv@maine.gov

4. GENERAL LEASE 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, Maine 04005	50,000 lbs
2. Skinny Kelp (<i>Saccharina angustissima</i>)	Atlantic Sea Farms 20 Pomerleau St. Biddeford, ME 04005	50,000 lbs
3. Winged Kelp (<i>Alaria esculenta</i>)	Atlantic Sea Farms 20 Pomerleau St. Biddeford, ME 04005	10,000 lbs
4. Horsetail / Fingered Kelp (<i>Laminaria digitata</i>)	Atlantic Sea Farms 20 Pomerleau St. Biddeford, ME 04005	10,000 lbs
5. Dulse (<i>Palmaria palmata</i>)	Atlantic Sea Farms 20 Pomerleau St. Biddeford, ME 04005	5,000 lbs
6. Sea Lettuce (<i>Ulva lactuca</i>)	Atlantic Sea Farms 20 Pomerleau St. Biddeford, ME 04005	5,000 lbs

B. Do you intend to possess, transport, or sell whole or roe-on scallops? Yes No

If you answered "yes" please contact the Bureau of Public Health to discuss your plans at the following email: DMRPublicHealthDiv@maine.gov

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

5. VICINITY MAP

Note: You may embed the maps within the document, or attach the maps to the end of your application. If you attach the maps, please label them according to the instructions provided below. If you attach the map, please label it: '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 scalebar
- The approximate lease boundaries

6. BOUNDARY DRAWING

Note: If you attach a drawing, please label it '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. RESEARCH PROGRAM AND OPERATIONS

Directions: If you are cultivating more than one species, you will need to provide the below information for each species. Please attach a separate page if needed.

A. Type of study (**check one**): Scientific Research Commercial Research

Please note:

a) Product grown on experimental leases for scientific research cannot be sold. Results of scientific research are not kept confidential.

b) Experimental leases for commercial research are not renewable. Results of commercial research are kept confidential.

B. What is the purpose of the study? If scientific, please include a detailed study design.

The purpose of this study is to determine the viability of a commercial seaweed operation at the proposed lease site.

C. Describe the general culture process for each species proposed.

All marine algae species, according to demand, will be seeded on 1,000 ft longlines, spaced 10 ft apart, in the fall (October-December) and remain throughout the winter growing season until they are ready for harvest in the spring (May-June 15th). Longlines will be suspended 7ft below the sea surface with dropper lobster style buoys to maintain appropriate depth for optimal growth. After harvest, longlines, crosslines, and depth control buoys will be removed from the site annually between June 16th - September 30th and stored on shore.

D. What months will the proposed activities (i.e. seeding, tending, and harvesting) occur?

The applicant is proposing to culture marine algae from October 1st through June 15th annually. Seeding will start as early as late-October and may extend through December, depending on when the seed stock is available. Harvesting will take place during the months of May and June. The farm site will be tended at least once every two weeks from seeding in December through harvesting in May, weather permitting.

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

Seeding the farm will take between 2 to 4 days to complete. Harvesting will take approximately 5 to 10 days to complete.

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

During the winter growing season (December through April), the farm will be checked a minimum of twice a month, with a goal of once a week monitoring, weather permitting. Additionally, the farm will be checked after any major storm event. In the spring, (March & April) additional time at the site is needed to monitor for fouling and to add counterweights to the culture lines, as needed.

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

We will use a USCG documented lobster boat to harvest. There will be 1-3 crew members on board. We will use the hauler to bring up the culture line. The kelp will be cut off the culture line by hand and placed into 1,000 lbs bags on deck. At the time of harvest, all culture lines, crosslines, and depth control buoys will be hauled on to the boat, cleaned and stored on shore for next season.

H. 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 moved from the site.

All culture lines, crosslines and depth control buoys will be removed from the site from June 16th through September 30th and stored on shore. Sixteen moorings (along with associated mooring lines and chains), ten mooring buoys and six required marker buoys will remain on the site year round.

I. What type of machinery (e.g. generator, drag, grading equipment, etc.) will you be using on the site? When and how often will the machinery be used?

No machinery will be used on the lease site outside of a lobster boat and skiff.

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

N/A

K. 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

8. EXISTING USES

Directions: Describe the existing uses of the proposed area. Please include the amount of activity, the time of year the activity occurs, frequency, and proximity to the lease site.

<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>Lobstering within the footprint of the site is very rare and I have never personally observed more than five traps on the lease site during summer months. From late June to mid-October, I have observed approximately 200 traps in the shallow water (~600-1000' from the lease boundary) to the east of the proposed lease. Lobstering drastically decreases to almost nothing during the winter months when the farm would be primarily operational.</p>
<p>2. Recreational Fishing</p> <p>Recreational fishing is rare near the site, mostly occurring during the summer months when the farm would not be operational. I have never seen this location specifically targeted, but occasionally someone may trawl for mackerel or striped bass, but this occurrence is very infrequent.</p>
<p>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)</p> <p>The site is located on the eastern boundary of a marked NOAA navigational channel and is approximately 945ft north of Red Bell "2". Minimal recreational and commercial boating activity occurs near the site during the summer months when the farm would not be in use. During the winter all boating activity is greatly reduced. I have observed tugboats go through the area once every couple of months steaming to Mack Point. The large oil ships that transit Penobscot Bay do not come anywhere near the site.</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>The proposed lease site is over 2,000 ft from the nearest shoreline. There are no riparian landowners within the vicinity of the site.</p>
<p>5. Other uses (kayaking, swimming, etc.)</p> <p>I have not observed any recreational activities (kayaking, swimming, etc.) in the area.</p>
<p>B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include an approximate distance from proposed lease.</p>
<p>No, but a navigational buoy is located approximately 945ft south of the site.</p>

C. Are there public beaches, parks, or docking facilities within 1,000 feet of the proposed lease site. If yes, please describe and include approximate distances from proposed lease.

No.

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.

9. 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.

I do not have any aquaculture operations.

B. What are your plans for any existing leases and/or Limited Purposed Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or Limited Purpose Aquaculture (LPA) licenses be relinquished if the lease is granted? If so, please indicate which ones.

N/A

10. 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.

We request that all commercial and recreational fishing and boating activity is excluded from the site from October 1st to June 15th to prevent a navigation hazard. This will also prevent gear from being damaged by other activities on the site and becoming marine debris. For the remainder of the year (June 16-September 30) we would welcome activity at the site.

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?

41ft

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

54ft

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

The current runs mostly northeast (flood) and southwest (ebb) at an approximate speed of 1 knot.

<p>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.</p>
<p>1. What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?</p>
<p>The bottom is mostly composed of mud with some small gravel.</p>
<p>2. Describe the bottom topography (flat, steep rough, etc.).</p>
<p>The site is flat.</p>
<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>We suspect that lobster and crabs are common in the area due to the nearby ledge and fishing activity in the nearby shallow waters (~600-1000' ft east of the proposed site), but the mud bottom and low fishing effort in the immediate footprint of the lease site suggests that lobster densities are low enough to not encourage extensive fishing in the area. I suspect other marine organisms may pass through the site, but do not have any direct observations.</p>

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

We do not know 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 coast-wide eelgrass surveys completed by the Maine Department of Marine Resources in 2010, the proposed lease is outside of the eelgrass zone. 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 41 ft (MLW) and 54 ft (MHW) which is not ideal habitat for eelgrass.

6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)

The southern shore of Sears Island is uninhabited. The shoreline is rocky with upland forest.

E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?

Yes No

Note: The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here:

<https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

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

F. Will your operations discharge anything into the water such as feed (pellets, kelp, etc.) or chemical additives (therapeutants, chemical treatments, etc.)?

Yes No

Note: If you answered yes, you must submit a video of the bottom using a method prescribed by the Department. **The video must be filmed between April 1 and November 15.** If a discharge is proposed you will also need to obtain a Maine Department of Environmental Protection (DEP) discharge permit. For information on this permit please contact DEP's Wastewater Licensing Program (Gregg.wood@maine.gov, 207-287-7693). Further sampling may be required by DMR, or DEP, depending on the characteristics of the site or the proposed activities.

12. STRUCTURES *(if applicable)*

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 an **Overhead View** and **Cross-Section View** of your gear plans. It is important to note that, unlike Limited Purpose Aquaculture (LPA) Licenses, experimental and standard leases require that all gear, including moorings, must be located within the proposed lease boundaries.

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

A) **Overhead View** (please label this "Overhead View"):

Directions: All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in)

- Show maximum layout of gear including moorings.
- Show dimensions of entire gear layout
- Show approximate spacing between gear.
- Show lease boundaries and the location of proposed markers on all drawings.

B) **Cross-Section View** (please label this "Cross Section View"):

Directions: The cross-section view must show the following:

- 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
- Water depth at mean high and mean low water

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) Gear Description

Directions: List and describe each individual gear type that you will use in the table below.

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
Marine algae culture lines	$\frac{3}{8}$ "- $\frac{5}{8}$ " rope, 1,000 ft long	Seasonal: Oct. 1 st - June 15 th	15 culture lines, spaced 10 ft apart	Marine Algae
Internal/Outside crosslines	$\frac{3}{8}$ "- $\frac{5}{8}$ " rope, 150 ft long	Seasonal: Oct. 1 st - June 15 th	5 crosslines, spaced 250 ft apart	Marine Algae
Mooring buoys	A3 or A4 poly balls; approx. 2' diameter	Year-round	10 total	Marine Algae
Mooring lines	3-strand, 1" nylon rope, 55-60 ft long	Year-round	16 sections	Marine Algae
Mooring chain	$\frac{1}{2}$ " Galvanized mooring chain, 5 ft long	Year-round	16 sections	Marine Algae
Required Lease markers (corners & middle of long side)	Yellow low drag buoys; approx. 16" diameter	Year-round	6 total	Marine Algae
Moorings/ Anchors (Either Mushroom anchors and/or Concrete block - depending on availability)	2000lb block; 18"x12"x36" and/or 400lb	Year-round	16 total	Marine Algae
Depth control buoys	Traditional lobster buoys; approx. 7"x14"	Seasonal: Oct. 1 st - June 15 th	up to 7 per culture line, 105 total	Marine Algae
PVC Pipe	$\frac{1}{2}$ " diameter; 7ft long	Seasonal: Oct. 1 st - June 15 th	105 total	Marine Algae

Counterweights for depth control lines	10 lbs; 4"x8"	Seasonal: Oct. 1 st - June 15 th	105 total	Marine Algae
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D) Gear Drawing (please label this "Gear Drawing").

Directions: Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. The drawing(s) needs to depict the length, width, and height of each gear type with appropriate units referenced (i.e. 10in, 10ft, etc.).

13. 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 must be yellow and host reflective material.

Yes No

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

N/A

Note: If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard regulations contact: 1st Coast Guard District, Aids to Navigation Office.

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 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 “17. 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 “17. Landowner/Municipal Permission Requirements” of this application.

C. How will you access the proposed site?

Site will be accessed from Stockton Springs Harbor using a Maine registered lobster boat or skiff.

RIPARIAN LANDOWNER LIST

*THIS LIST MUST BE **CERTIFIED** BY THE TOWN CLERK*

On this list, please include the map number, lot number, and the current owners' names and mailing addresses for all shorefront parcels within 1,000 feet of the lease site. 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 riparian parcels are located within more than one municipality, provide a separate, tax map and certified riparian list for each municipality.

TOWN OF: _____

MAP #	LOT #	Landowner name(s) and address(es)

Please use additional sheets if necessary and attach hereto.

CERTIFICATION

I, _____, Town Clerk for the Town of _____ 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: _____ **DATE:** _____

15. 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	None
<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 feet of structure.

I, (printed name of applicant) Kyle Nichols have read DMR Aquaculture Regulations 2.64(12)(B)) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

Jesse Mich
Applicant Signature
Note: Add title if signing on behalf of a corporate applicant.

01/5/23
Date

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

I, (printed name of applicant) _____ have read DMR Aquaculture Regulations 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, depending on the category of lease.

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

Date

16. 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 experimental lease process.

Printed name: Igile Nicholas FV 11th Hour INC.

Title (if corporate applicant): President

Signature: [Handwritten Signature] Date: 01/05/23

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 (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.

17. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS (if applicable)

PART I: The use of private property to access your site.

Pursuant to 2.64(C)(6) if you are using private property to access the proposed lease site, you need to submit written permission from the property owner with your application. It is your responsibility to obtain written permission. Please note that the Department does not provide forms for landowner or municipal permission. **If any portion of your site is also intertidal you will need to complete the steps outlined in Part II, below.**

PART II: If any portion of the site is intertidal you need to complete the following steps:

Step I: Obtain written permission from all intertidal landowners.

Pursuant to 2.64(C)(6) the Department requires *written permission of every owner of intertidal land in, on, or over which the experimental 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.

1. 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.

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

- _____ Check for non-refundable application fee (\$100.00), payable to *Treasurer State of Maine*.
- _____ **One (1) Vicinity map** with required items shown
- _____ **One (1) Boundary drawing** with required items shown
- _____ **One (1) Overhead view** depicting layout of gear from overhead
- _____ **One (1) Cross section view** depicting gear & moorings from the side
- _____ **Tax map**
- _____ **Riparian list**, certified (*if applicable*)
- _____ **Written permission** from riparian landowners, if their property will be used to access the site (*if applicable*).
- _____ **Corporate applicant information document** and articles of incorporation or documentation of partnership (*if applicable*)

If 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.

If the proposed lease site is above mean low water and the municipality has a shellfish conservation program:

- _____ **Written permission** from all riparian landowners of the intertidal land on which the lease is proposed; and
- _____ **Consent** from the municipal officers.

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

Note to Applicants:

As you prepare your experimental 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 Experimental 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 experimental 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 application is ‘deemed complete’ and the comment period has been established**
 - 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.
 - Comment periods are open for 30 days, and do not necessarily begin on the same day an application is deemed complete.
- 2. During the comment period**
 - You will only be contacted during the comment period, if DMR receives five or more written requests to hold a public hearing. DMR will provide you with copies of the hearing requests.
 - At the end of the comment period, DMR will send you copies of any comments received, or to let you know that no comments were received.
- 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. DMR will typically conduct site visits for experimental applications after the comment period has closed. However, the time of year, weather, proposed operations, and any feedback received during the comment period 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. If a hearing is required, DMR will be in touch about scheduling**
- 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

How does DMR staff review 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 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, any feedback DMR receives on the proposal from members of the public or other stakeholder groups, whether your proposal will need to have a hearing, and the complexity of issues raised at a public hearing should one be held. These types of factors make it difficult to determine when a final decision on your proposal may be rendered.

When will my lease be granted?

Please note that applying for a lease is not a guarantee that your proposal will be granted. DMR will process your application and render a final decision on the proposal based on applicable evidence as it relates to the lease decision criteria. DMR will send you a copy of the draft proposed decision, which will either grant, or deny the proposal. DMR may also grant the proposal with modifications. The leasing process is designed to serve multiple stakeholder groups, who all utilize Maine’s coastal waters for a variety of different purposes and is intended to provide all stakeholder groups with the opportunity to provide feedback on your proposal. If you have questions about applying for a lease, please contact DMR at DMRaquaculture@maine.gov or 624-6567.

Figure 1: Section 5 - Vicinity Map

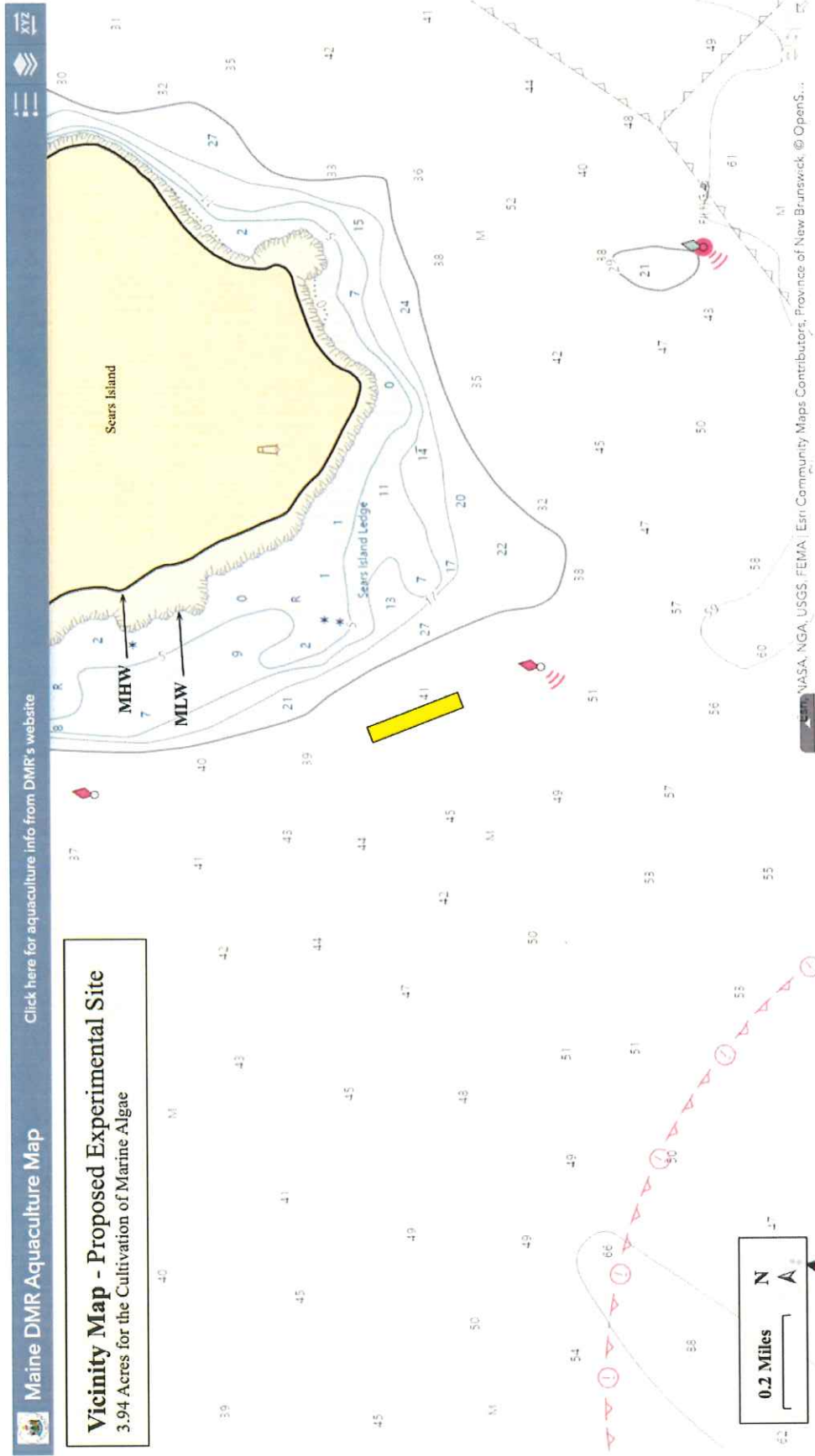


Figure 2: Section 6 - Boundary Drawing

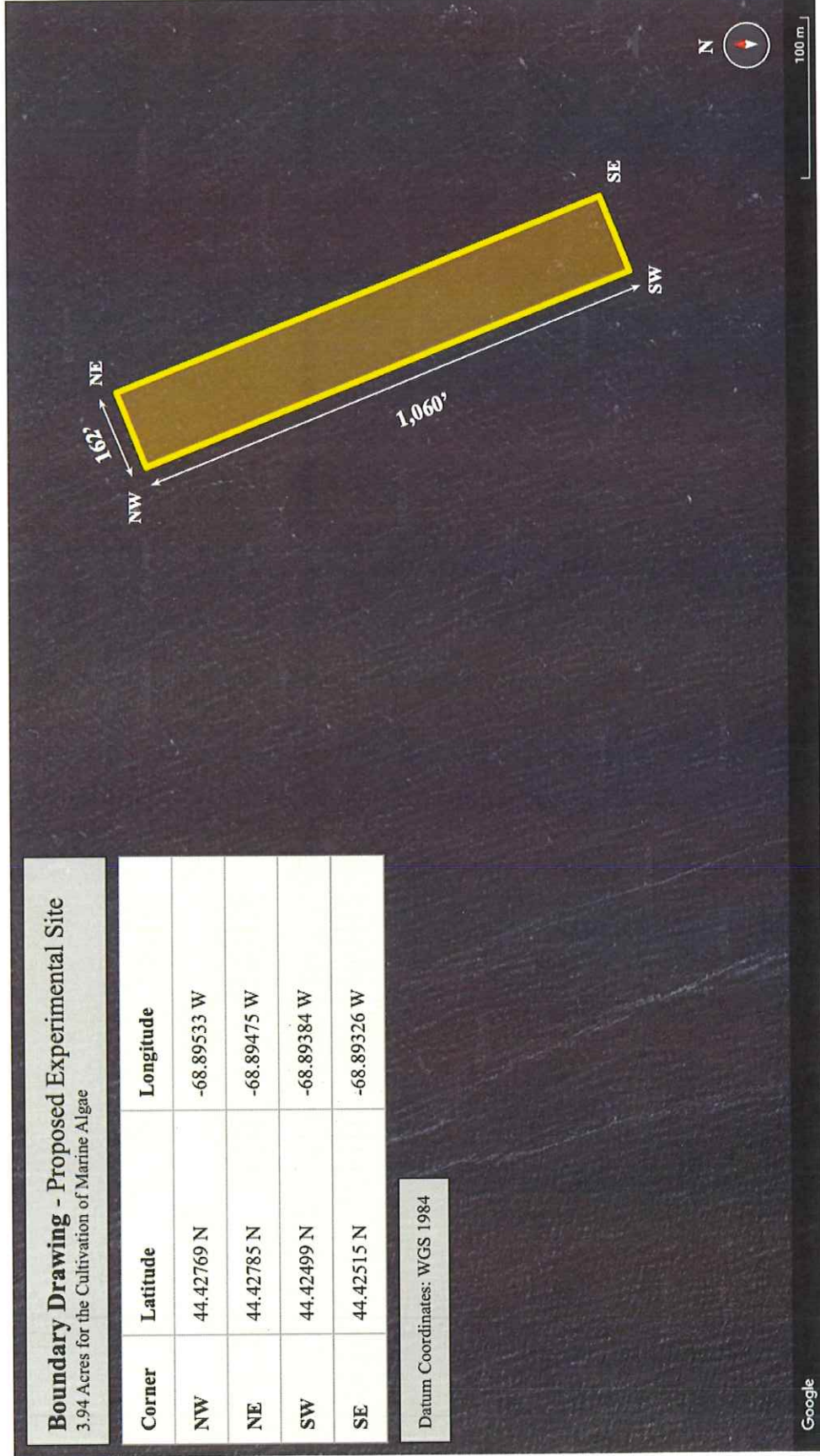
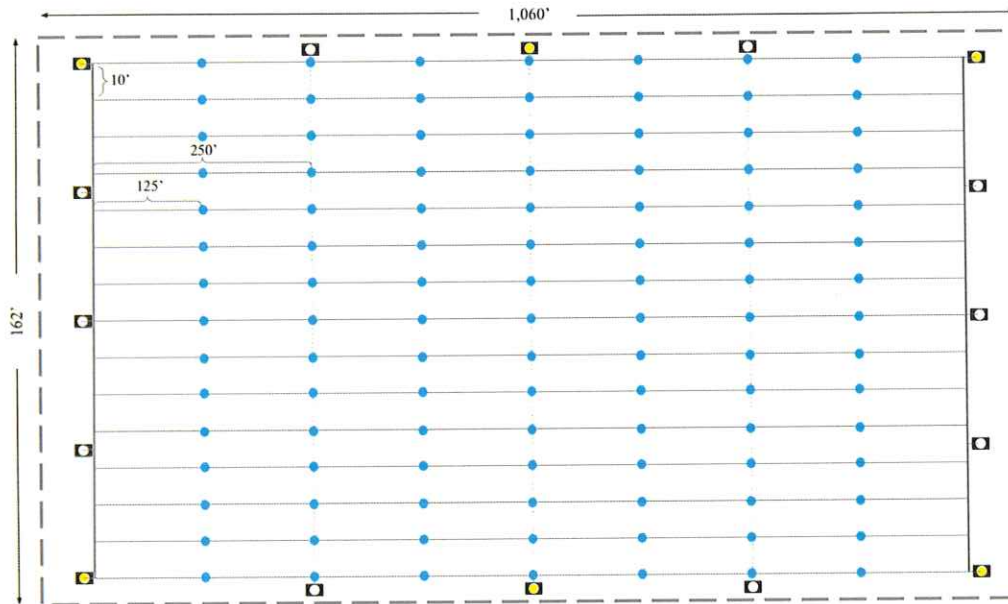
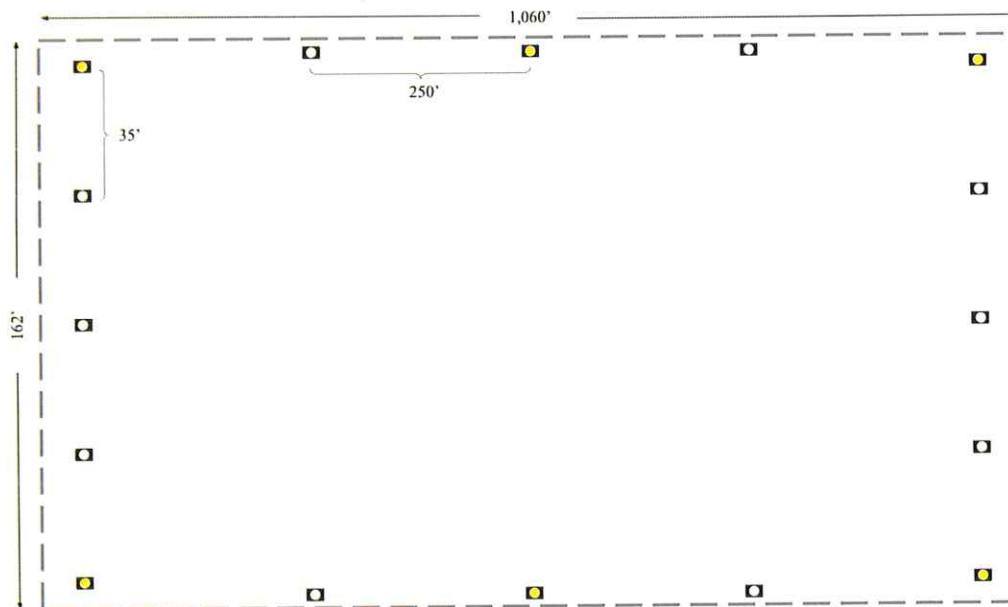


Figure 3: Section 12 A - Overhead View

During Growing Season (October 1st - June 15th)



During the Off Season (June 16th - September 30th)



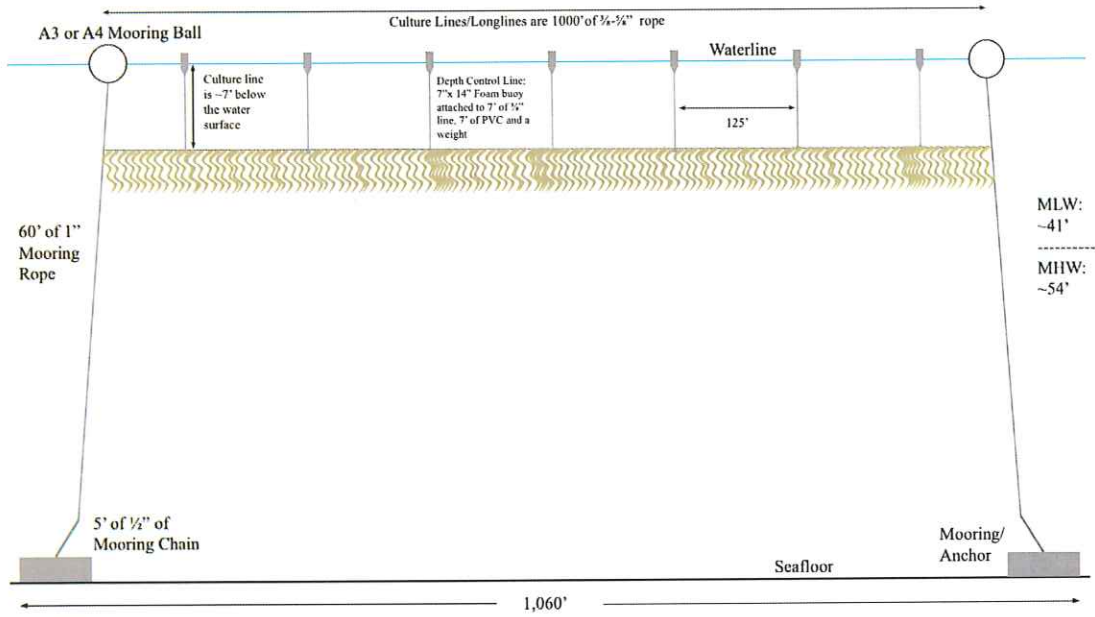
Legend:

- Grey Dashed (— — —): Lease Boundary
- Thin Black Dotted Line (.....): Internal Crossline
- Thin Black Line (_____): Culture Line/ Longline
- Thick Black Line (_____): Outer Crossline

- Black Rectangles (■): Mooring/Anchor
- White Circles (○): Mooring Buoy
- Yellow Circles (●): Required Lease Marker
- Blue Circles (●): Depth Control Line with buoy and weight

Figure 4: Section 12 B - Cross-section View

During Growing Season (October 1st - June 15th)



During the Off Season (June 16th - September 30th)

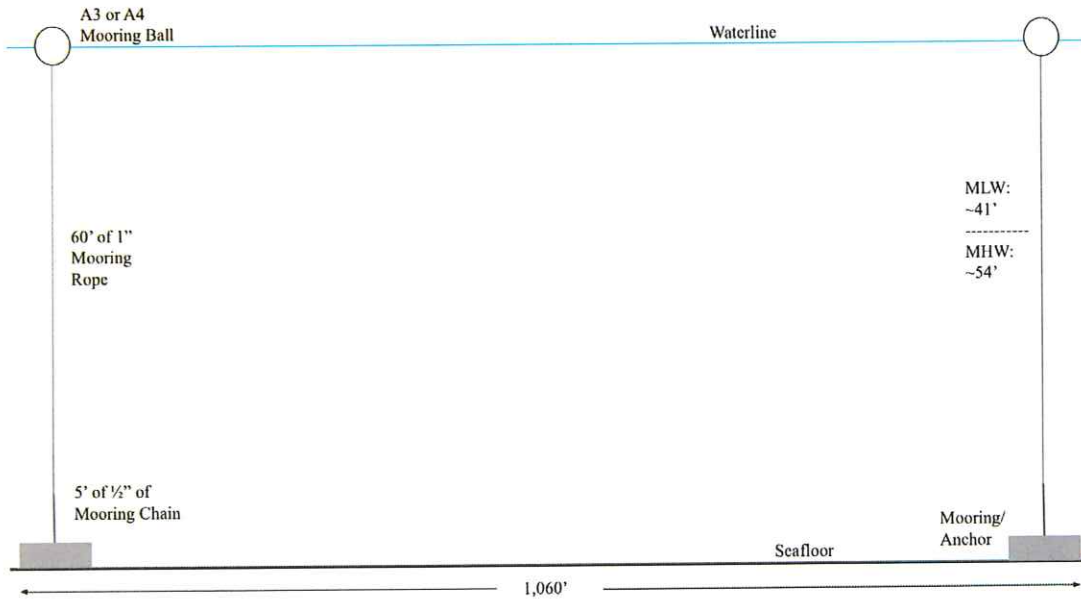


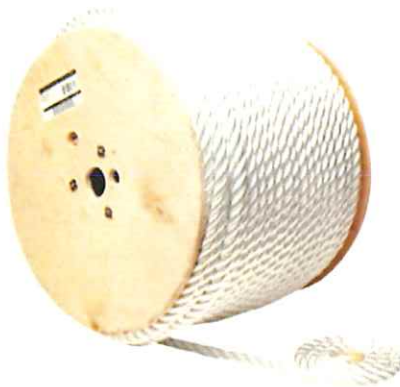
Figure 5: Section 12 D - Gear Drawing



Marine Algae Culture Lines/Longlines & Internal Crosslines
Length: 1,000 feet (longlines); 150 feet (Internal crosslines)
Diameter: $\frac{3}{8}$ - $\frac{5}{8}$ -inch



Mooring Ball
Description: A3 or A4 Polyballs
Height: 23 inches
Diameter: ~2 feet



Exterior Crossline & Mooring Line
Description: 3-strand rope
Length: 150ft (exterior crosslines) & ~55-60 feet (mooring lines)
Diameter: $\frac{1}{2}$ -inch (exterior crosslines) & 1-inch (mooring lines)



Mooring Chain
Description: Galvanized chain
Length: ~5 feet
Diameter: $\frac{1}{2}$ -inch



Required Lease Markers
Description: Low-drag buoys
Height: 37 inches
Diameter: ~16 inches



Concrete Moorings
Length: 36-inches
Width: 18-inches
Height: 12-inches
Weight: ~2000 pounds



Mushroom Anchor
Length:
Width:
Height: 1
Weight: ~400 pounds



Depth Control Buoys
Description: Traditional lobster buoys
Height: 37 inches
Diameter: ~16 inches Lobster buoys used for depth control lines



PVC Pipe for Depth Control lines
Length: 7 feet
Diameter: ½-inch



Counterweights for Depth Control Lines

Height: ~8 inches

Circumference: ~2-4 inches

Weight: ~10 pounds



MAINE DEPARTMENT OF MARINE RESOURCES

Aquaculture Division, 21 State House Station, Augusta, ME 04333-0021 (207) 624-6567

CORPORATE APPLICANT FORM For Standard and Experimental Aquaculture Lease Applications

Corporations or partnerships that apply for aquaculture leases in the State of Maine must complete this form. Corporations must submit information as requested under A. Corporate Applicant. Partnerships must submit information as requested under B. Partnership Applicant.

A. Corporate Applicant

Note: You must attach a copy of the Articles of Incorporation (Inc.) or Certificate of Formation (LLC) to your application.

1. Name of Corporation: FV 11th Hour Inc.

2. Date of incorporation: 07/02/2020 State of incorporation: Maine

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

Name	Address	Title
Kyle Nichols	P.O. Box 11 Sandy Point, ME 04972 78 Steamboat Wharf Rd, Stockton Springs, ME 04981	President

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

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

Name	Address
Kyle Nichols	P.O. Box 11 Sandy Point, ME 04972

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

5. Has the corporation, or any stockholder, director, or officer applied for an aquaculture lease for Maine lands in the past? Yes No

If you selected "yes," please indicate who applied for the lease and the status of the application or lease.

6. List the names and addresses of all stockholders who own or control at least 5% of the outstanding stock and the percentage of outstanding stock currently owned or controlled by each stockholder.

Name	Address	Percentage of Owned Stock
Kyle Nicholas	P.O. Box 11 Sandy Point, ME 04972	100%

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

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

Name	Address	Lease Acronym	Acreage
None			

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

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

Yes No

If you selected "yes", please provide details.

B. Partnership Applicant

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

1. Name of Partnership: _____

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

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

Name	Address	Ownership Shares

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

4. Has the partnership, or any partner applied for an aquaculture lease for Maine lands in the past? Yes No

If you selected "yes," please indicate who applied for the lease and the status of the application or lease.

5. List the names and addresses of any partner owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person, based on their ownership shares from question 3.

Name	Address	Lease Acronym	Acreage

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

6. Has the partnership or any partner been arrested, indicted or convicted of or adjudicated to be responsible for any violation of marine resources or environmental protection law, whether State or Federal?

Yes No

If you selected "yes", please provide details.

DOMESTIC
BUSINESS CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

File No. 20200782 D Pages 2
Fee Paid \$ 145
DCN 2200992270011 ARTI
-----FILED-----
04/02/2020

Julie L. Flynn
Deputy Secretary of State

A True Copy When Attested By Signature

Julie L. Flynn
Deputy Secretary of State

Pursuant to 13-C MRSA §202 and/or §1803, the undersigned executes and delivers the following Articles of Incorporation:

FIRST: The name of the corporation is FV 11th Hour Inc.

SECOND: ("X" only if applicable)

This is a professional corporation**formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

(type of professional services)

THIRD: ("X" only if applicable)

This is a benefit corporation formed pursuant to 13-C MRSA §1803. This election has been adopted by at least the minimum status vote as defined in 13-C MRSA§1802.7.

FOURTH: The Clerk is a: (select **either** a Commercial or Noncommercial Clerk – Person **must** be a Maine resident)

Commercial Clerk CRA Public Number: _____

(name of commercial clerk)

Noncommercial Clerk

Kyle Nichols

(name of noncommercial clerk)

78 Steamboat Wharf Road, Stockton Springs, ME 04981

(physical location, not P.O. Box – street, city, state and zip code)

PO Box 11, Sandy Point, ME 04972

(mailing address if different from above)

FIFTH: Pursuant to 5 MRSA §108.3, the clerk as listed above has consented to serve as the clerk for this corporation.

SIXTH: ("X" one box only)

There shall be only one class of shares. The number of authorized shares is 1,000.

(Optional) Name of class: _____

There shall be two or more classes or series of shares. The information required by 13-C MRSA §601 concerning each such class and series is set forth in Exhibit ___ attached hereto and made a part hereof.

SEVENTH: ("X" one box only)

The corporation will have a board of directors.

There will be no directors; the business of the Corporation will be managed by shareholders. (13-C MRSA §743)

EIGHTH: (For corporations with directors, each of the following provisions is optional – "X" only if applicable)

The number of directors is limited as follows: not fewer than _____ nor more than _____ directors. (13-C MRSA §803)

To the fullest extent permitted by 13-C MRSA §202.2.D, a director shall have no liability to the Corporation or its shareholders for money damages for an action taken or a failure to take an action as a director.

Except as otherwise specified by contract or in its bylaws, the Corporation shall in all cases provide indemnification (including advances of expenses) to its directors and officers to the fullest extent permitted by law. (13-C MRSA §§202, 857 and 859)

NINTH: ("X" only if applicable)

The Corporation elects to have preemptive rights as defined in 13-C MRSA §641.

TENTH: ("X" only if applicable)

Additional provisions of these Articles of Incorporation are set forth in Exhibit ___ attached hereto and made a part hereof. (13-C MRSA §202 and 13-C MRSA §1811)

ELEVENTH: Name and address of additional Incorporators is set forth on Exhibit ___ attached hereto.

Dated 03/31/20

*By Kyle Nichols
(original written signature)

Kyle Nichols
(type or print name of incorporator)

**The professional corporation name must contain one of the following: "chartered," "professional corporation," "professional association" or "service corporation" or the abbreviation "P.C.," "P.A." or "S.C.". Examples of professional service corporations are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list – see 13 MRSA §723.7.)

*These articles must be dated and executed pursuant to 13-C MRSA §121.5. by an incorporator.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to: **Secretary of State**
Division of Corporations, UCC and Commissions
101 State House Station, Augusta, ME 04333-0101
Telephone Inquiries: (207) 624-7752 Email Inquiries: CEC.Corporations@Maine.gov

To Whom it May Concern,

I am writing in support of Kyle Nichols' proposed kelp farm, to be located off of the west/southwest side of Sears Island in Searsport. I have lobster fished commercially since 2010, often setting gear near where Kyle would like to located his farm.

It is my opinion that the selected location would have little to no impact upon lobster gear, other commercial users of the bay, and recreational boaters.

Respectfully submitted,

William Nichols
Searsport, Maine

To whom it may concern,

I'm a full time year round lobsterman out of Stockton Springs, Maine. I have had the opportunity to view Kyle Nichols proposed aquaculture site near Sears Island. I believe that the site location is a good choice. From my experience I believe that this location will not interfere with lobstering or any type of navigation. Thank you for your time.

Sincerely,

Greg Perkins

207-356-9787