

**STATE OF MAINE**  
**DEPARTMENT OF MARINE RESOURCES**  
Suspended culture of shellfish  
New Meadows River and New Meadows Lake, Brunswick

Dodge Cove Marine Farm, LLC  
NMR NML

**AQUACULTURE LEASE RENEWAL**  
**FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION**

Dodge Cove Marine Farm, LLC applied to the Department of Marine Resources to renew the aquaculture lease NMR NML for a period of twenty years. The 0.365-acre lease is located in the New Meadows River and New Meadows Lake in the Town of Brunswick in Cumberland County, for the purpose of cultivating eastern/American oysters (*Crassostrea virginica*), European oysters (*Ostrea edulis*), and northern hard/quahog clams (*Mercenaria mercenaria*) using suspended culture techniques. This lease was initially issued on April 18, 2003, to Dodge Cove Marine Farm, Inc. On March 25, 2008, this lease was transferred from Dodge Cove Marine Farm, Inc. to Dodge Cove Marine Farm, LLC. On October 20, 2014, this lease was renewed for a period of ten years under the same terms and conditions as the original lease. DMR accepted this current renewal application as complete on May 30, 2023.

**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 *The Forecaster* on June 23, 2023. On June 20, 2023, notice was provided to the municipality of Brunswick, riparian landowners within 1,000 feet of the site, and other state agencies, and sent to subscribers of DMR's aquaculture email list-serve. No comments and no requests for a hearing on this application were received by the Department during the comment period. Because a hearing is optional for lease renewal applications unless DMR receives five or more written requests from interested persons during the comment period, a hearing was not held for this renewal application.

**2. STATUTORY CRITERIA**

Aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and by DMR's Chapter 2.45 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, the Department finds 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 the 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. The Department received a completed questionnaire from the Brunswick harbormaster indicating this lease area does not impact navigation or commercial and recreational fishing in the area. Based on the record, there is no evidence of conflicts with new or existing uses of the area.

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

**C. Aggregate lease holdings**

According to DMR records, this applicant holds the following leases:

Lease Acronym	Acreage
DAM HI	2
DAM HI5	3.55
DAM HI2	6.95

In total, Dodge Cove Marine Farm lease 12.685 acres from the State of Maine.

Therefore, the Department finds that the renewal of this lease will not cause the lessee to lease more than 1,000 acres.

**D. Speculative purposes**

Chapter 2.45(2)(A) of DMR's rules provide that in determining whether a renewal is being conducted for speculative purposes, the Commissioner 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 the lease area was used as a nursery ground during the previous lease term.<sup>1</sup> This is consistent with a review of the record, which indicates aquaculture activities occurred on the site during the previous lease term.

Therefore, the Department finds that the lease is not being held for speculative purposes.

**3. LEASE CONDITIONS**

The following conditions were applied to the lease by the original and most recent renewal decision:

1. The lease area must be marked in accordance with the U.S. Coast Guard requirements and Department of Marine Resources Chapter 2.80; and
2. Recreational fishing and boating shall be allowed in the open areas of the lease.

Condition 2 will remain on the lease. Condition 1 is already specified in regulation and is included as part of the lease agreement. In consideration of this, Conditions 1 will be removed if the lease is renewed.

**4. DECISION**

The Commissioner grants the application of Dodge Cove Marine Farm to renew its aquaculture lease NRM NML for a period of 20 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. REVOCATION OF LEASE**

The Commissioner may commence revocation procedures upon determining, pursuant to 12 M.R.S.A. §6072(11) that no substantial aquaculture has been conducted within the preceding


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<sup>1</sup> See page 1, item 2 of the renewal application.

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: 10/19/23

 for

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