STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  

Application for Change in Gear Authorization  
St. George, Maine  

Robert Baines  
PEN CLx  

December 5, 2019

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Robert Baines applied to the Department of Marine Resources (DMR) to change the gear authorization for their existing experimental lease PEN CLx, located east of the Muscle Ridge Channel and northwest of Hewett Island in unorganized territory, in Knox County. The leaseholder is seeking authorization to switch from using concrete moorings to mushroom anchors.

1. THE PROCEEDINGS

Notice of the application and the 14-day public comment period were provided to federal agencies, riparian landowners, the Town of St. George and its Harbormaster, the Town of Owls Head and its Harbormaster, the Town of Rockland, and the Town of South Thomaston, and the Town of Rockport, and others on DMR's mailing list. The evidentiary record before DMR regarding this lease amendment application includes two exhibits (see exhibit list below).

LIST OF EXHIBITS

1. Application for a change in gear authorization
2. Original lease decision signed October 16, 2019

2. STATUTORY CRITERIA & FINDINGS OF FACT

Approval of experimental aquaculture lease amendments is governed by 12 M.R.S.A. § 6072-A (3) and Chapter 2.44 of DMR regulations. The statute and regulations provide that the Commissioner may grant amendments for the use of specific gear, species, and/or operational modifications on an existing lease site provided the proposed changes do not materially alter the findings of the original decision or would result in a change to the original lease conditions.

A. Original Lease Decision

On October 16, 2019, DMR granted lease PEN CLx to Robert Baines (Exhibit 2, page 9). DMR’s Findings of Fact, Conclusions of Law, and Decision, henceforth referred to as “the decision”, found that the evidence in the record supported the conclusion that the aquaculture activities proposed by Robert Baines met the requirements for granting an experimental aquaculture lease as set forth in 12 M.R.S.A. § 6072-A (Exhibit 2, page 7).

The decision provided authorization to cultivate marine algae using suspended culture (Exhibit 2, page 8). Thirteen 1,000-foot longlines, spaced 10 feet apart, depth control lines and stabilizing weights, and
22 concrete moorings and associated lines and chains were authorized to be deployed on PEN CLx (Exhibit 2, page 2).

Conditions imposed on lease PEN CLx, pursuant to 12 M.R.S.A § 6072-A (15) and located on page 7 of the decision, are as follows:

1. The lease site must be marked in accordance with both U.S. Coast Guard requirements and DMR Rule 2.80.
2. Except for required marker buoys, all gear, including moorings, lines, and buoys, must be removed from the water between June 15th and November 1st each year.
3. Due to possible interactions with gear, lobstering and dragging are restricted from the site from November 1st to June 15th annually.

B. Proposed Gear Changes, Operational Modifications, and Findings

Robert Baines is authorized to deploy a total of 13 longlines on experimental lease PEN CLx (Exhibit 2, page 2). The longlines, which measure approximately 1000 feet in length are spaced 10 feet apart. Longlines are positioned 7 feet below the surface of the water and are kept in place using depth control lines and stabilizing weights and buoys. Longlines are secured on each end with concrete moorings. So as not to interfere with navigation or fishing, the original lease was conditioned to require that all gear be removed between June 15th and November 1st of each year (Exhibit 2, page 9).

Due to the condition requiring all gear be removed between June 15th and November 1st, Robert Baines is requesting authorization to switch from using concrete moorings to mushroom anchors to facilitate setting and removing the moorings at the start and end of each growing season (App 5).

The proposed changes would replace 22 concrete moorings with mushroom anchors. No other changes are proposed, and all gear would still be removed between June 15th and November 1st each year, as conditioned in the original decision. Therefore, the proposed changes to the gear type will not materially alter the findings of the original decision for experimental lease PEN CLx.

3. DECISION

Based on the foregoing, the Commissioner grants the request from Robert Baines for the authorization to amend the gear from concrete moorings to mushroom anchors.

Dated: 12/5/2019

Patrick C. Keliher, Commissioner
Department of Marine Resources