

STATE OF MAINE

DEPARTMENT OF MARINE RESOURCES

Renewal Application

Suspended culture of blue sea mussels
and sugar kelp

East of Hardwood Island, Blue Hill Bay, Tremont

Lessee: Evan Young

Lease: BHB HI

Docket # 2015-06-R

October 8, 2015

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

Evan Young has applied to the Department of Marine Resources (“DMR”) for renewal of his aquaculture lease BHB HI located on 2.3 acres in the coastal waters of the State of Maine, east of Hardwood Island, Blue Hill Bay, Tremont, Hancock County, for the purpose of cultivating blue sea mussels (*Mytilus edulis*) and sugar kelp (*Laminaria saccharina*) using suspended culture techniques.

This lease was initially issued on July 25, 2005.

1. PROCEDURE

Notice of the application for lease renewal and the public comment period was published in the *Penobscot Bay Press* on May 14 and June 11, 2015 and in the June issue of the *Commercial Fisheries News*. The public, riparian landowners within 1,000 feet of the lease site, and other interested persons were given 30 days to submit comments or to request a hearing on the application for lease renewal. One comment in favor of the renewal of the lease was received by the DMR during the comment period. No requests for a hearing on this application were received by the Department.

2. STATUTORY CRITERIA

Applications for aquaculture lease renewals are governed by 12 M.R.S. §6072(12) and by Chapter 2.45 of the Department’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

My review of the records of this lease discloses that all annual reports have been filed, rent and bond are current, and the site has passed inspection by DMR Marine Patrol. 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 Interests of the State

In determining whether it is in the best interest of state to renew the lease, the Department 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. There is no evidence of conflicts with other 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

DMR records show that the applicant holds 19.75 acres of aquaculture leases.

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

D. Speculative Purposes

In determining whether the lease is being held for speculative purposes, the Department considers whether substantially no aquaculture or research has been conducted on the lease site. The applicant has conducted aquaculture on the lease site during its term, as shown by the annual reports it has filed with the Department and by the statement of the lessee on the renewal application.

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

3. LEASE CONDITIONS

The following conditions are carried over from the original lease and will apply to the renewed lease:

1. The lease area shall be marked in accordance with U.S. Coast Guard requirements and Department of Marine Resources regulations Chapter 2.80; and

2. Navigation, lobster fishing, recreational fishing and boating shall be allowed on the lease.

4. **DECISION**

The Commissioner of Marine Resources grants the application of Evan Young to renew his aquaculture lease BHB HI for a period of ten years, to July 24, 2015. The renewed lease is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: _____

10/8/15



Patrick C. Keliher
Commissioner
Department of Marine Resources