

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

IN THE MATTER OF THE APPLICATION OF) FEDERAL HARBOR FARMS FOR RENEWAL OF AN) AQUACULTURE LEASE LOCATED BETWEEN) HOG AND LONG ISLANDS, SOUTH BAY, LUBEC,) WASHINGTON COUNTY, MAINE)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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On October 4, 2004, Federal Harbor Farms applied for the renewal of an aquaculture lease issued on April 6, 1995. The applicant requested a ten-year renewal, to April 5, 2015, of a 14.90-acre bottom culture lease located between Hog and Long Islands, South Bay, Lubec, Washington County, Maine.

Notice of the application for lease renewal was published in the January, 2005 issue of Commercial Fisheries News and the December 24, 2004 and January 14, 2005 issues of the The Quoddy Tides. Members of the public, riparians and interested persons were given to January 23, 2004 to submit comments or to request a hearing on the application for lease renewal. No comments or requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and 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 300 acres; and the lease is not being held for speculative purposes.

The applicant has complied with the lease agreement during its term. 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 are no known conflicts with other new or existing uses

of the area. Additionally, the renewal of this lease will not cause the applicant to lease more than 300 acres.

In determining whether the lease is being held for speculative purposes, the Department looks to 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. Therefore, I find that the lease is not being held for speculative purposes.

Decision

The Commissioner of Marine Resources grants the application of Federal Harbor Farms for renewal of the 14.90-acre aquaculture lease located between Hog and Long Islands, South Bay, Lubec, Maine, for a period of ten years, to April 5, 2015. In the renewal of this lease, Federal Harbor Farms is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources