

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

IN THE MATTER OF THE APPLICATION OF) TRUMPET ISLAND SALMON FARM, INC. FOR) THE TRANSFER OF AN AQUACULTURE) LEASE LOCATED EAST OF HARDWOOD) ISLAND IN BLUE HILL BAY, TREMONT,) MAINE TO MAINE CULTURED MUSSELS, INC.)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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On April 3, 2006, Trumpet Island Salmon Farm, Inc. applied for the transfer of an aquaculture lease to Maine Cultured Mussels, Inc. The 15-acre aquaculture lease, TISF HT, is located east of Hardwood Island in Blue Hill Bay in Tremont, Maine. The lease was issued on March 26, 2003 for a term of ten years, for the net pen culture of Atlantic salmon, rainbow trout and blue mussels. On November 4, 2005 Atlantic salmon and rainbow trout were removed from the lease and it is now exclusively used to grow blue mussels. On October 25, 2005, the total acreage of the lease was reduced to 15 acres.

Notice of the application for lease transfer was published in the May 2006 issue of Commercial Fisheries News and the April 20 and May 4, 2005 issues of the Penobscot Bay Press newspaper. Members of the public, riparians and interested persons were given to May 20, 2006 to submit comments and/or request a hearing on the application for lease transfer. No hearing was held on this lease transfer application. Four requests for a hearing and one comment in support of the transfer were received by the Department.

Applications for aquaculture lease transfers are governed by 12 M.R.S.A. §6072(12-A) and Chapter 2.60 of the Department's rules, which provide that an aquaculture lease may be transferred to another person for the remaining portion of its term if the commissioner determines that the change in lessee does not violate any of the lease issuance criteria set forth in 12 M.R.S.A. §6072(7-A); the transfer is not intended to circumvent the preference guidelines for treatment of competing applications as set forth in 12 M.R.S.A. §6072(8); the transfer is not for speculative purposes; and the transfer will not cause the transferee to be a tenant of any kind in leases covering an aggregate of more than 500 acres.

Maine Cultured Mussels intends to utilize this site for long-line rope culture of blue mussels. The president of Trumpet Island Salmon Farm is the general manager for Maine Cultured Mussels and therefore, the activity on the lease site will continue to be managed by the same individual. The lease was originally granted in 1993 for the net pen culture of Atlantic salmon and rainbow trout. In 1999, blue mussels were added as a species and mussels were harvested from the nets and placed on ropes suspended from rafts on the lease site. The lease was renewed in 2003. On November 4, 2005, Atlantic salmon and rainbow trout were removed from the lease site and the lease is now utilized to grow blue mussels only. Whereas the original lease was granted for the cultivation of finfish using net pens, which is a discharge activity, the use of the site for long-line mussel culture, which involves no discharge and no large pen structures, clearly falls within the type of activity that is permitted on the lease site in accordance with the decision criteria set forth in 12 M.R.S.A. §6072(7-A). The change in lessee to Maine Cultured mussels will not violate any of those criteria.

Section 8 of 12 M.R.S.A. § 6072 sets forth an order of preference if more than one person applies to lease an area. There were no competing applications for this lease area. Therefore, the transfer is not intended to circumvent the preference guidelines for treatment of competing applications as set forth in 12 M.R.S.A. §6072(8).

According to Department regulations, Chapter 2.60, "speculative purposes" shall be found to exist whenever the owner of the lease to be transferred has not conducted any substantial aquaculture on the lease sites, including but not limited to seeding, cultivation or harvest of organisms. The lease site has been actively used for salmon and mussel aquaculture during the lease term. Therefore, the transfer is not for speculative purposes.

Maine Cultured Mussels holds a 53.4-acre lease in Blue Hill Bay. Therefore, the transfer of this lease will not cause the transferee to lease more than 500 acres.

Decision

The Commissioner of Marine Resources grants the application of Trumpet Island Salmon Farm, Inc. for the transfer of the 15-acre aquaculture lease located east of Hardwood Island in Blue Hill Bay, Tremont, Maine, to Maine Cultured Mussels, Inc. for the remainder of the lease term, to March 24, 2013. In the transfer of this lease Maine Cultured Mussels 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