



APPLICATION FOR CHANGE IN AUTHORIZATION FOR SPECIES and/or GEAR



| | |
|-----------------------------------|---|
| Lease Acronym | SCAR SRR |
| Leaseholder | Nonesuch Oysters, LLC. |
| Contact Person | Ryan McPherson |
| Address | 637 River Road |
| City | Edgecomb |
| State, Zip | ME, 04556 |
| Telephone | 207-315-7066 |
| Email | ryan@gliddenpoint.com |
| Is this a multi-tract lease site? | <p style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If “yes” please list which tract(s) you are proposing to amend: Gear Amendment will apply to the gear used on both tracts</p> <p>Note: Please provide renderings for all tracts you are proposing to amend.</p> |

What type of amendment are you requesting (check one)?

Gear amendment only

Instructions: Review and complete sections 1, 3, 4, and 5 of this application

Species amendment only

Instructions: Review and complete sections 1, 2, 4, and 5 of the application

Gear and species amendment

Instructions: Review and complete each section of the application

1. Bird Deterrents

BIRD DETERRENTS: Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. If you are applying to add shellfish species and/or suspended gear to your site, please include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Suspended gear and associated product would be submerged at a depth sufficient to deter roosting for at least two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- Only shellfish seed would be cultured
- Only adductor-only scallops would be cultured

Oysters harvested and removed from the site will be wet stored for 2 weeks before sale

2. SPECIES CHANGES

SPECIES INFORMATION: Indicate the species you wish to add or remove from your lease and list the source of stock for each species you wish to add.

| Indicate "Add" or "Remove" from Lease | Species (common and Latin name) | Source of Stock (Name, address, & phone number) |
|---------------------------------------|---------------------------------|---|
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CULTURE PLAN: Please describe how you intend to cultivate each of the species you proposed to add to the lease using the table below. Please attach a separate table for each species you propose.

| Information Requested | Proposed Species: |
|--|--------------------------|
| Seed Size | |
| Number of Organisms to be Cultured | |
| Stocking Density | |
| Method of Culture and Dates (ex: April-Dec) | |
| Method of Harvest and Timing (ex: Fall) | |
| Predator Control Methods | |
| Overwintering Plans/Dates (ex. Nov – Mar) | |

3. GEAR CHANGES

GEAR INFORMATION: Describe each gear type you wish to add to or remove from your current gear plan.

| Specific Gear Type (e.g. soft mesh bag) | Add or Remove | Dimensions of Gear Added or Removed (e.g. 16"x20"x2") | Dates That Gear Will Be in The Water (Added gear only) |
|--|----------------------|--|---|
| Soft Mesh Bag with attached floats | Add | 34" x 20" x 5" with the floats | Year Round |
| Zapco Tumbler | Add | Ø16 x 33.5" | Year Round |
| Flip Farm Hexcyl Baskets | Add | 29" x 10 ^{5/8} " x 5 ^{7/16} " | Year round |
| | | | |
| | | | |

*** Attach the following drawings showing the proposed new gear. Use the plans in your Army Corps permit and/or DMR lease application as a starting point. Be sure to include:

We are submitting a gear amendment to support our business as it continues to grow. In this gear amendment, we present two potential scenarios: A and B.

In Scenario A, the lease site is completely utilizing soft mesh bags with attached floats. This is likely how we envision starting, as we seek out the quantities and availabilities of the Zapco Tumblers and Flip Farm Hexyl Baskets.

Scenario B consists of Soft Mesh Bags, Zapco Tumblers, and Flip Farm Hexyl Baskets. This is likely what we will grow into, as the equipment and technology become readily available.

Both Scenarios are presented in the application, and we would like the optionality of proceeding with A or B. This gear amendment includes the maximum amount of potential gear to be used on the site considering the two potential solutions.

- **Layout plan** showing:
 - placement of existing and new gear on the lease site
 - north arrow
 - lease corners labeled

Please see the next Page 4 pages.

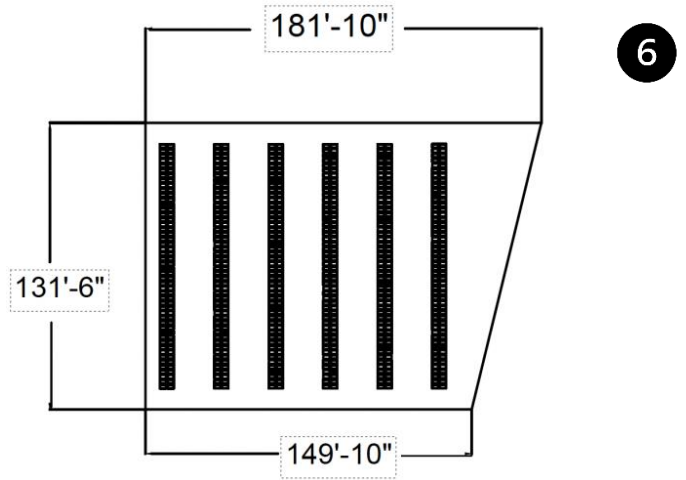
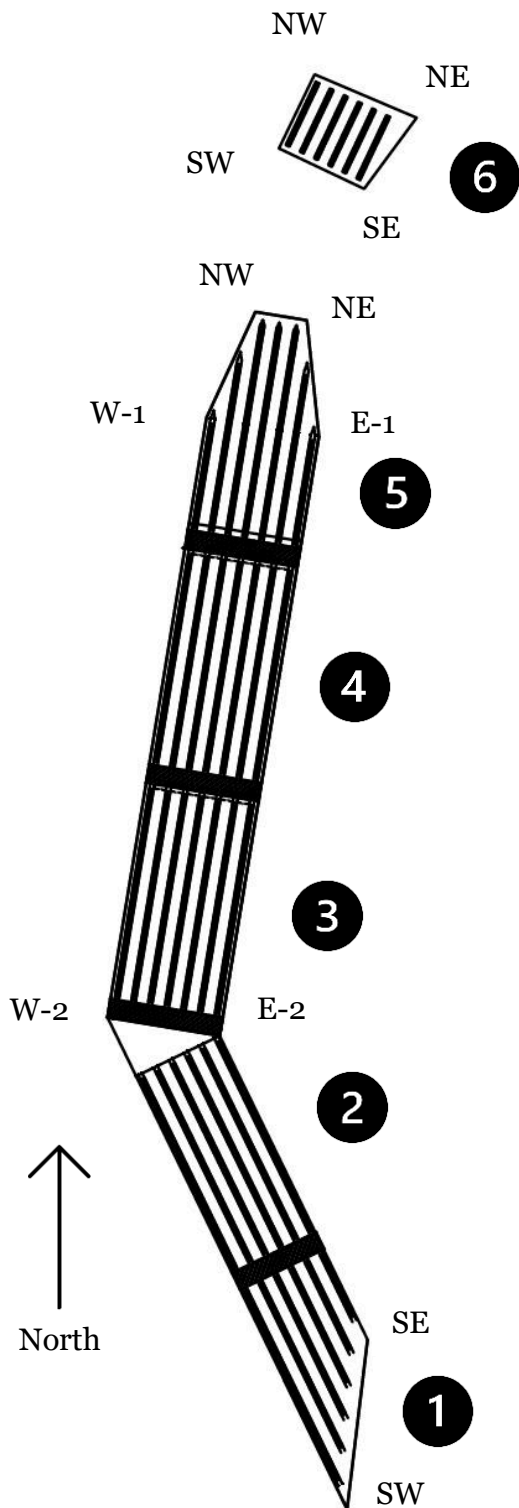


Figure 2. More detailed view of Array 6.

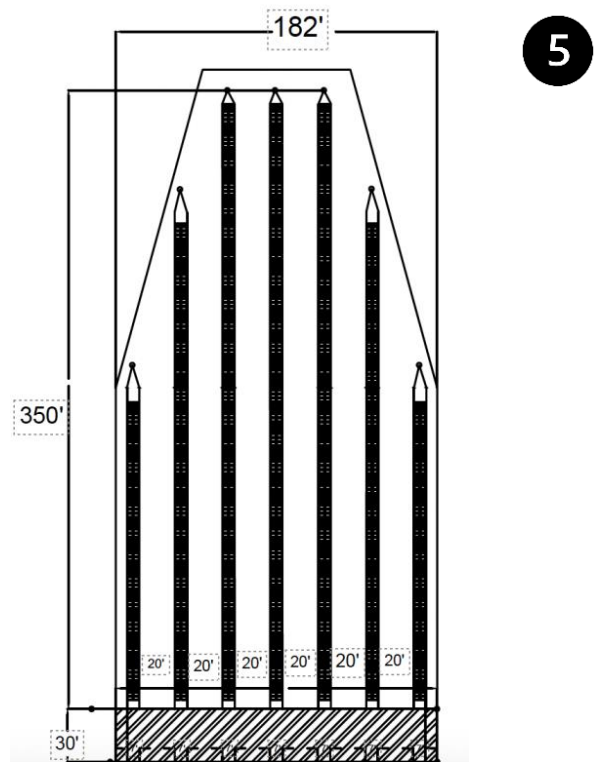


Figure 3. More detailed view of Array 5.

Figure 1. Layout Scenario A: All floating bags. This figure depicts an overview of the location of the 6 Arrays. A more detailed view of the 6 Arrays can be seen in Figures 2-4

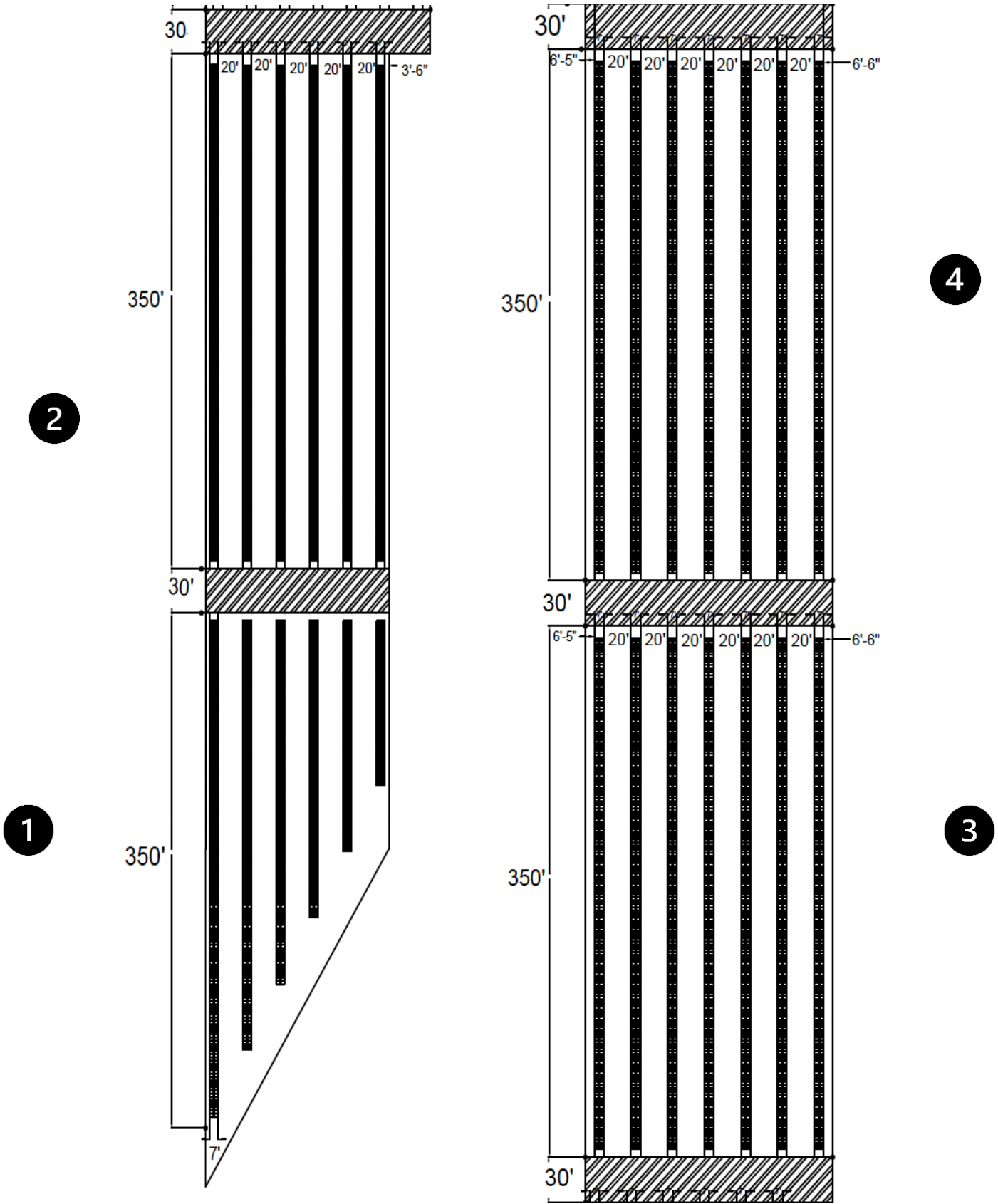


Figure 4. Detailed Layout of Array's 1-4

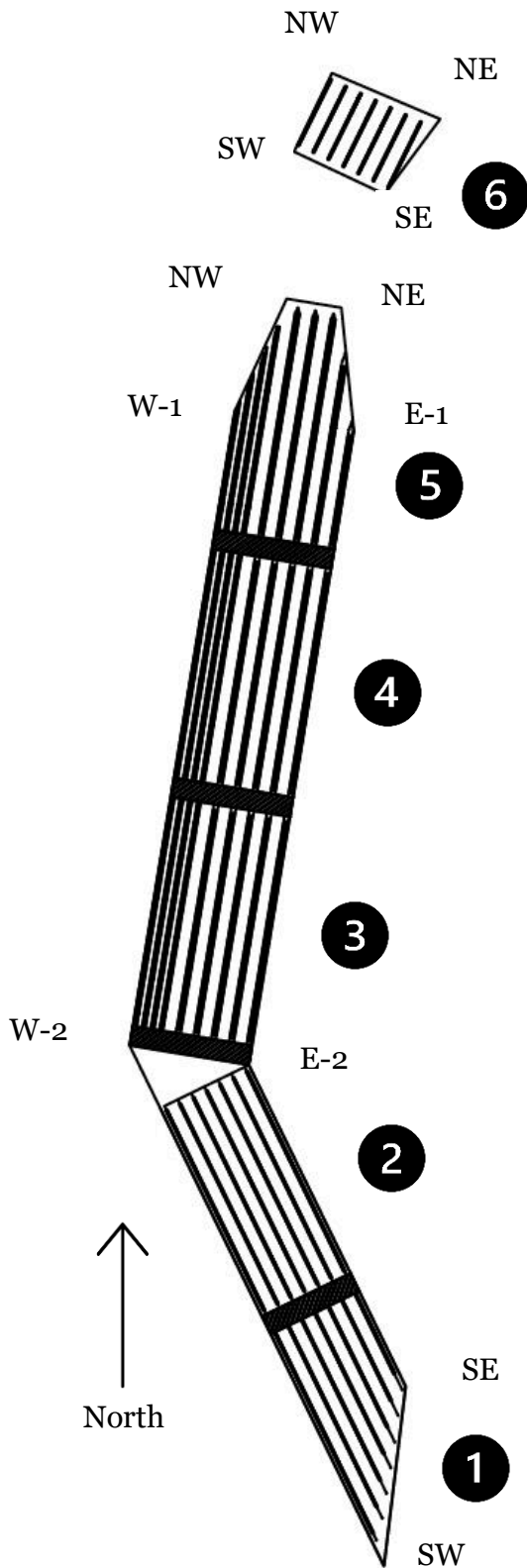


Figure 5. Layout Scenario B: Floating Bags, Zapco's & Flip Farms. This figure depicts an overview of the location of the 6 Arrays. A more detailed view of the 6 arrays can be seen in Figures 6-8.

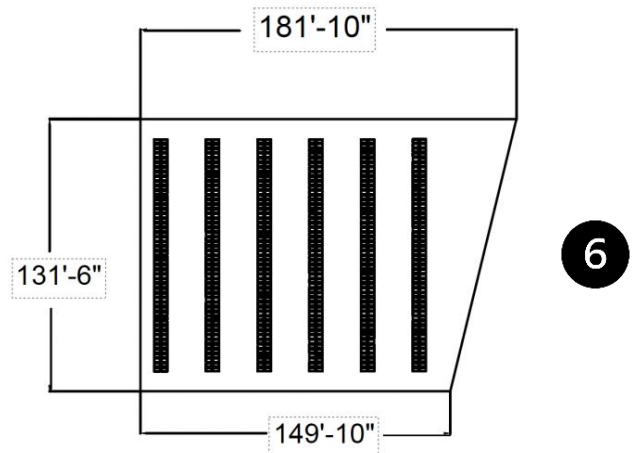


Figure 6. More detailed view of Array 6, which will utilize Flip Farms

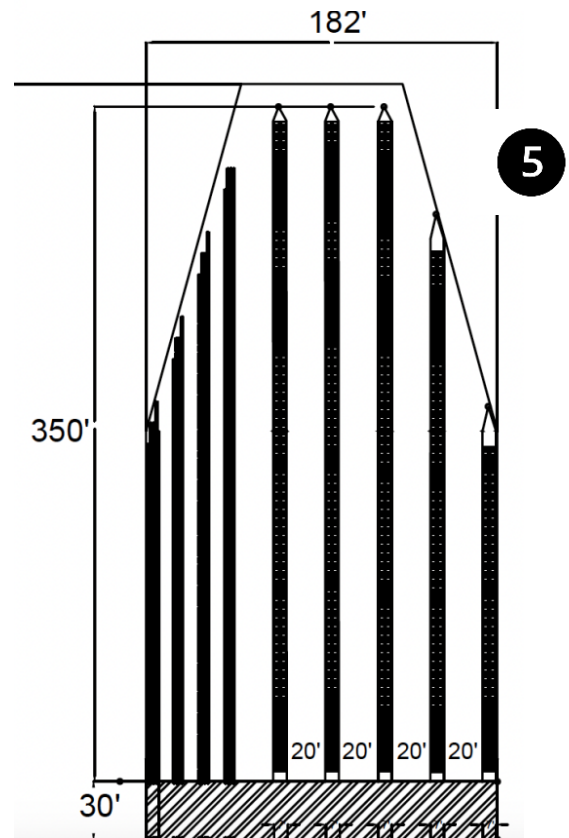


Figure 7. More detailed view of Array 5. The Zapco's are on the left of the array, while bags are utilized on the right.

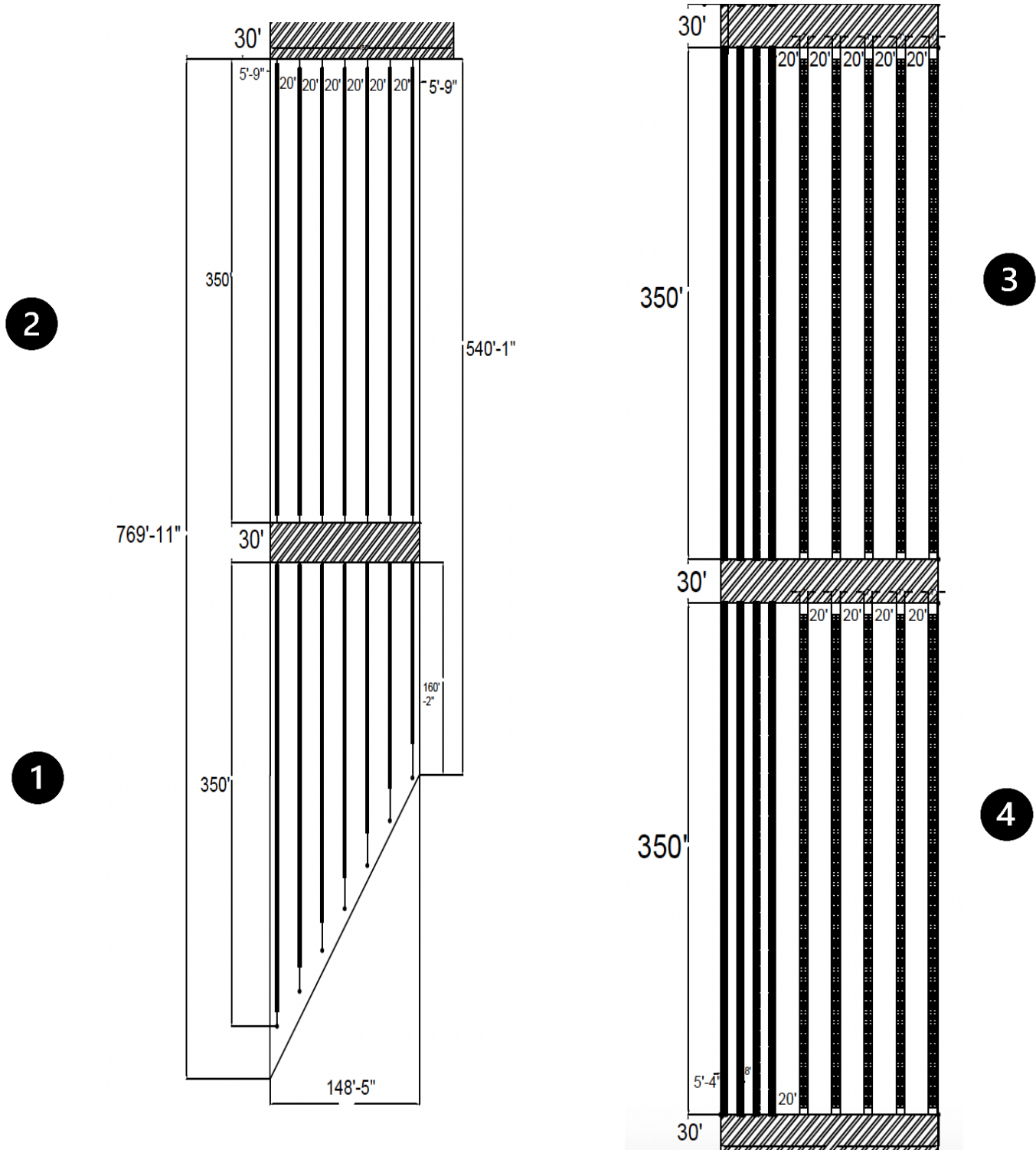


Figure 8. A more detailed overview of Array’s 1-4. Array’s 1 & 2 depict the Flip Farms. Array’s 3 & 4 has Zapco tumblers depicted on the left side of the array, and bags depicted on the right.

- **Cross-section view** showing:
 - mooring gear and
 - other gear
 - depths at MLW and MHW

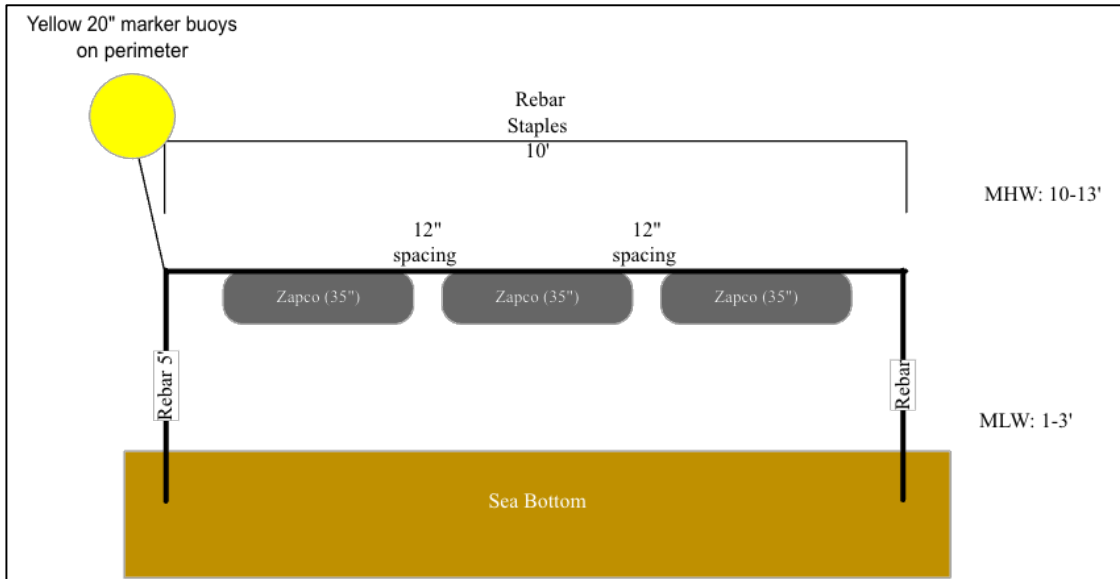


Figure 9. Cross-section example of Zapco’s (located on the western side of arrays 3-5 in Layout Scenario B).

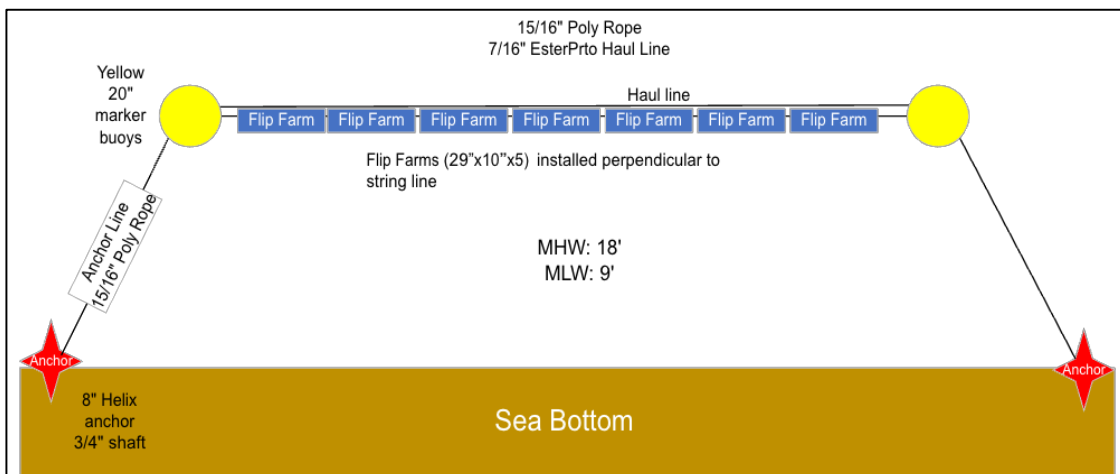


Figure 10. Cross-Section view of Flip-Farms (located in arrays 1-2 in Layout Scenario B).

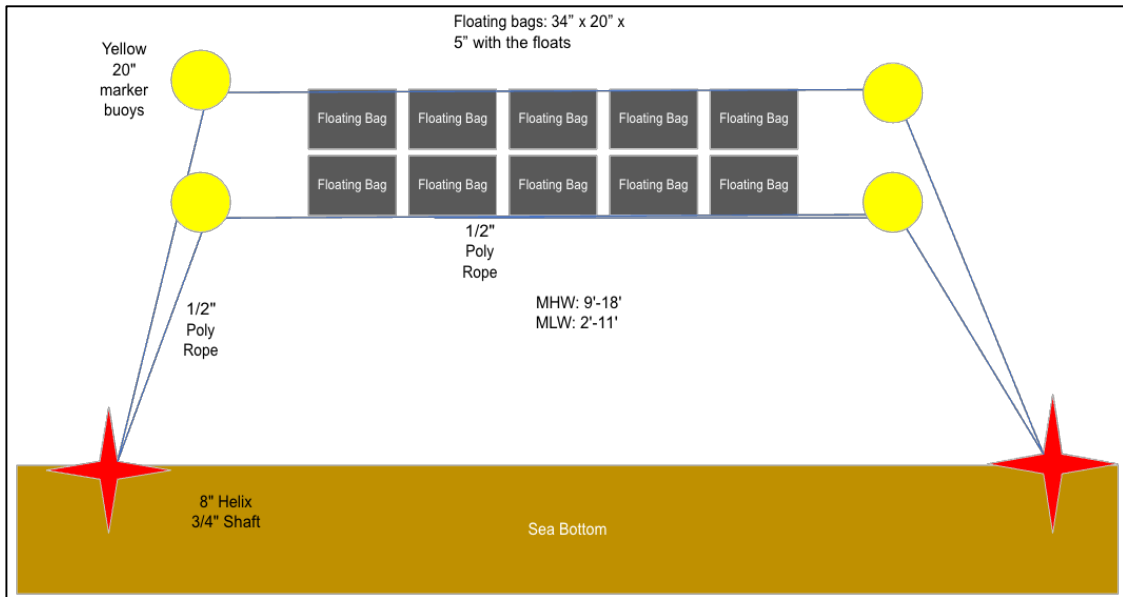


Figure 11. Cross-section view of floating bags (Located in arrays 1-6 in Layout Scenario A & on the Eastern side of arrays 3-5 in Layout Scenario B).

- **Drawing of an individual piece of each new gear, including:**
 - dimensions and
 - materials and
 - numbers of each type of gear to be added

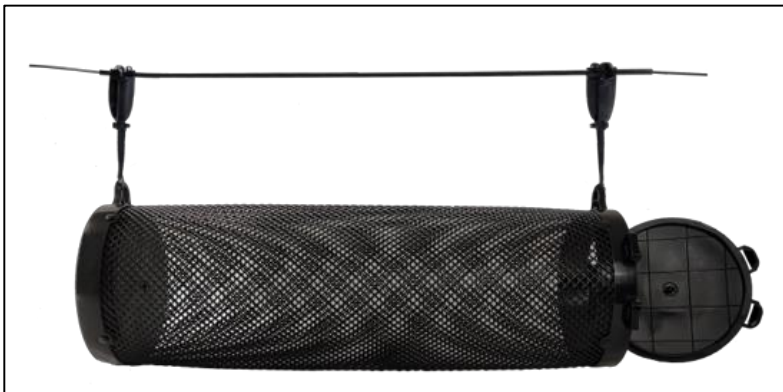


Oyster Bag Dimension:
34"x20"x5"; made of plastic

Types of floats:
Black Hard Plastic hollow floats, Black dense plastic foam floats, Pool Noodles (phasing out due to color), and Dark Grey Plastic pipe insulator noodles

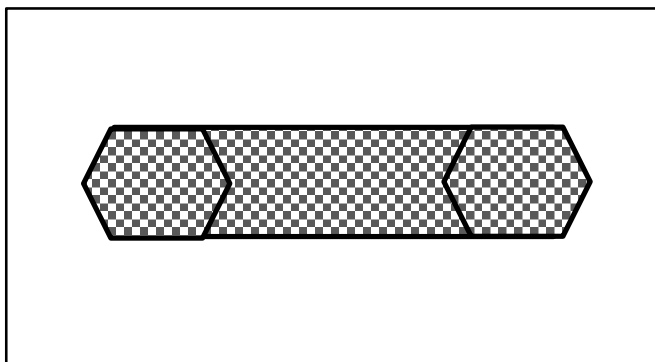
of soft mesh bags to be added:
10,000 (already permitted for 4,000 from last gear amendment)

Dimensions:
34" x 20" x 5" with the floats



of Zapco Tumblers to be added: 4,332

Dimensions:
Ø16 x 33.5"



of Flip Farms to be added: 4,300

Dimensions:
29"x10^{5/8}"x5^{7/16}"

Complete responses to the following questions (attach a separate sheet if needed):

| 1. How does adding this gear change your existing operations? |
|--|
| Adding this gear change will not change our existing operations significantly, as we will still service the site daily and perform our routine operations outlined in the original lease application. The addition of gear will just allow our business to reach the maximum capacity of gear and oysters that the farm can support, helping our business grow and sell more local, sustainably-raised farmed oysters. |

| 2. Describe any changes in the number of trips to the lease site per day. If none, please write "none." |
|---|
| None |

| 3. Describe any changes in noise and level of on-site activity. If there are no changes, please write "none." |
|---|
| None |

4. Will gear remain on site during the winter? Yes No

If you selected “yes” use the space below to describe your overwintering plans. Please include the dates for overwintering.

The site typically does not freeze over, and the gear will remain in the water and in use throughout the winter.

4. Tax Maps and Riparian List

Is your existing lease within 1,000ft of shorefront land (which extends to mean low water or 1,650 ft. from shore, whichever is less)?

Yes No

If yes, the following supporting documents are required:

A. Tax Map

A labeled copy of the appropriate tax map(s) depicting the location of the lease site. If you are amending a multi-tract site, please include a tax map(s) for all tracts.

The map(s) needs to include the following elements:

- Label the map “Tax Map: Town of (name of town).”
- Legible scale
- Tax lot numbers clearly displayed
- The boundaries of the existing lease

B. Riparian List

Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000 feet of your existing lease. Have the tax collector or clerk of the municipality certify the riparian list.

Version 7-26-2023

RIPARIAN LANDOWNER LIST

****THIS LIST MUST BE CERTIFIED****

On this list, please show the current landowners' names and mailing addresses as listed in the municipal tax records for all riparian shorefront parcels within 1,000 feet of the existing lease site along with the map and lot number for each parcel. **It is the applicant's responsibility to assemble the information for the Town Clerk to certify.** The Town Clerk *only* certifies that the information is correct according to the Town's records. Once you have completed the form, ask the Town Clerk to complete the certification section below. If the parcels are within more than one municipality, provide a separate, certified riparian list for each municipality.

TOWN OF: Scarborough

| MAP # | LOT # | Landowner name(s) and address(es) |
|-------|-------|-----------------------------------|
| R088 | 009 | State of Maine |
| R088 | 010 | State of Maine |
| R088 | 011 | State of Maine |
| R070 | 001 | State of Maine |
| | | |
| | | |

Please use additional sheets if necessary and attach hereto.

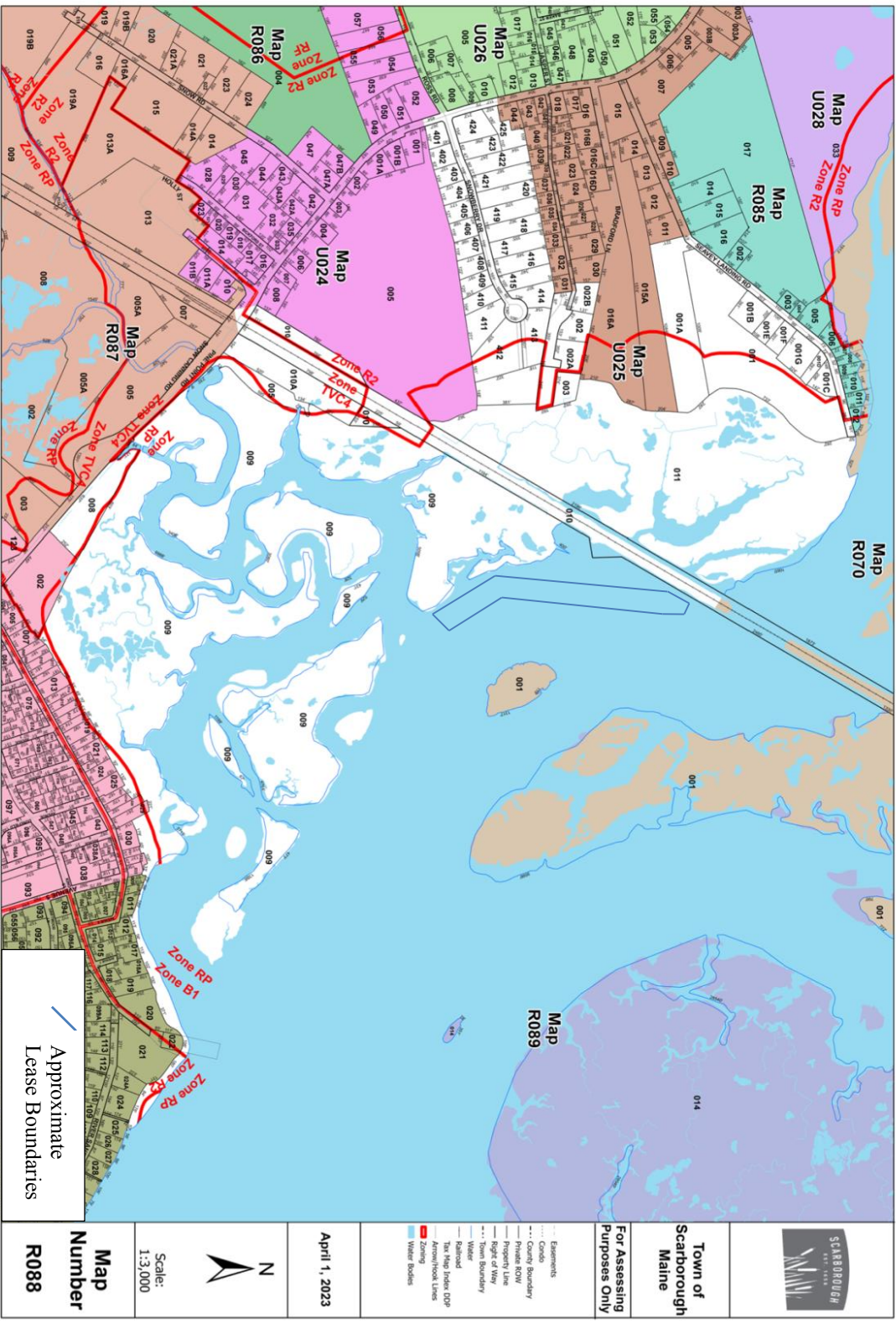
CERTIFICATION

I, Yolande P Justice, Town Clerk for the Town of SCARBOROUGH, certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

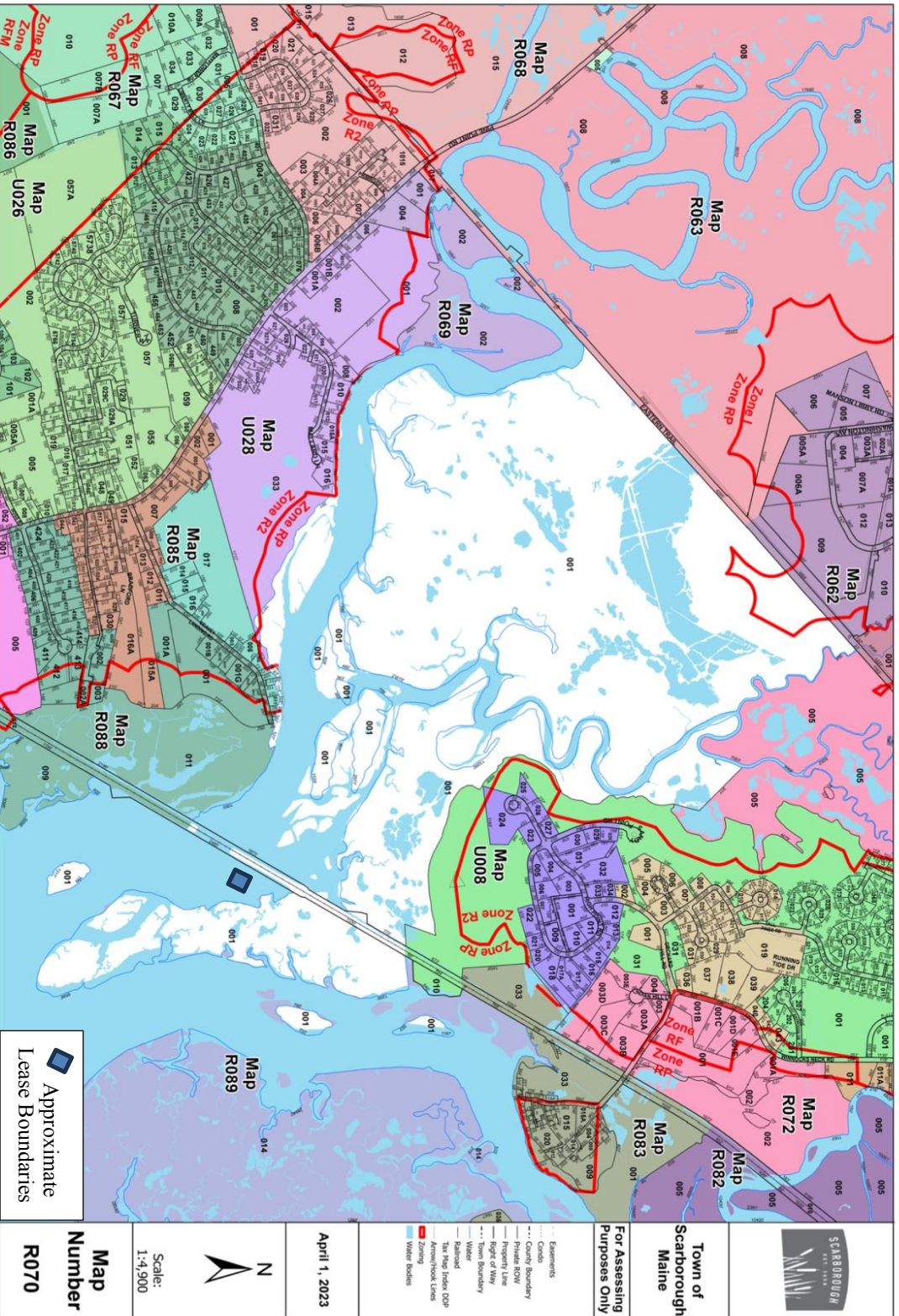
SIGNED: Y Justice DATE: 05/13/2024



Tax Map: Town of Scarborough



Tax Map: Town of Scarborough




5. Applicant Signature

I hereby state that the information included in this application is true and correct. I have also read and understand the requirements of the Department's rules governing aquaculture and the application instructions pertaining to the lease amendment process.

Printed name: Ryan McPherson

Title (*if corporate applicant*): Nonesuch Oysters LLC

Signature: 
Ryan McPherson (Jun 14, 2024 14:29 EDT) Date: 14/06/24

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Note:

- All applicants must sign and date this page. Please use the space below, if additional signatures are required.
- Corporate applicants, please be sure to include the title(s) (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.

Additional Applicant:

Printed name: Ryan McPherson

Title (*if corporate applicant*): Nonesuch Oysters LLC

Signature: 
Ryan McPherson (Jun 14, 2024 14:29 EDT) Date: 14/06/24



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

FIRST GEAR AMENDMENT

May 24, 2017

Regulatory Division
CENAE-RDC
Permit Number NAE-2014-02037 MOD1

Nonesuch Oyster LLC
Attn: Abigail Carroll
P.O. Box 311
Biddeford Pool, Maine 04006

Dear Ms. Carroll:

In accordance with your recent request, your Department of the Army permit, numbered NAE-2014-02037 which authorized shellfish grow out structures below the mean high water line of the Scarborough River at Scarborough, Maine is hereby amended to reflect the substitution of up to 600 soft bags for up to 600 wire mesh trays and the reconfiguration of gear to include up to four (4) lines of single trays anchored to the substrate for the summer months of April – October. The lines will measure 4' x 465'. In addition, up to four (4) lines of stacked trays anchored to the substrate for the winter months of November – March. The lines will measure 4' x 300'. Gear is to be located within the previously authorized 6.8acre shellfish aquaculture lease site as shown on plans entitled "Nonesuch Oyster LLC" on one sheet dated "05/22/2017".


ADDITIONAL SPECIAL CONDITION:

1. The submerged trays will be marked, both summer and winter, with toggles on all sides and buoys at the ends of the tray zone, marked "Caution: submerged gear".

The conditions of the original permit remain in full force and effect.

If you have any questions concerning this matter, please contact LeeAnn B. Neal of my staff at 207-623-8367 x2 at our Manchester, Maine Project Office. Our address is US Army Corps of Engineers, 675 Western Avenue #3, Manchester, Maine 04351.

Sincerely,


Frank J. Del Giudice
Chief, Permits & Enforcement Branch
Regulatory Division



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

MAINE GENERAL PERMIT (GP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

NONESUCH OYSTER, LLC
ATTN: ABIGAIL S. CARROLL
P.O. BOX 311
BIDDEFORD POOL. MAINE 04006

CORPS PERMIT # NAE-2014-02037
CORPS GP ID# 14-370
STATE ID# ME DMR 10 YR LEASE
#2014-21 SCAR SRR

DESCRIPTION OF WORK:

To install and maintain shellfish aquaculture gear within two tracts totaling a 6.8acre area, below the mean high water line of the Scarborough River; south of the railroad trestle at Scarborough, Maine as described on the State of Maine Dept of Marine Resources application entitled "Nonesuch Oysters, LLC" and as shown on plans on 8 sheets dated "November 20, 2013". The site will be utilized to raise American oysters and European oysters by suspended and or bottom grow out methods. Project description continued on page 2.
SPECIAL CONDITIONS: SEE ATTACHED SHEET

LAT/LONG COORDINATES : 43.5532245° N -70.3436959° W USGS QUAD: PROUTS NECK, MAINE

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the enclosed Federal Permit, the Maine General Permit (GP). Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 38 of the GP (page 16) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 13, 2020. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 13, 2021.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.

II. STATE ACTIONS: PENDING [X], ISSUED[], DENIED [] DATE 11/03/2015

APPLICATION TYPE: PBR: , TIER 1: , TIER 2: , TIER 3: , LURC: DMR LEASE: NA: X

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 10/23/2014 LEVEL OF REVIEW: CATEGORY 1: CATEGORY 2: X

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 X, 404 , 10/404 , 103

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

LEANN B. NEAL
SENIOR PROJECT MANAGER
MAINE PROJECT OFFICE

FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION
DATE 11/12/15