

Islesboro Harbor Committee  
Regular Meeting  
Thursday, October 27, 2022  
In- Person Meeting at 6:30 PM, Town Office

**MINUTES**

Call the meeting to order and establishment of a Quorum:

Chair Ken Smith called the meeting to order and a quorum was established at 6:30 pm.

Members Present: Ken Smith, Dylan Purington, Stan Makara, Earl MacKenzie, Gil Rivera, and Palmer Sargent (6:45).

Members absent: Gabe Pendleton

Others Present: Dick DeGrasse, Kim Grindle, Blake Zlotkowski, Hilary Giles, Mark Umbach, Ethan Spaulding, Janet Anderson, Jett Lindelof, Shey Conover.

Via Zoom: Cheyenne Adams, Nicole Govoni, Terry Cowan, Jonathan Dove, Jake Lindelof, Tracey Lindelof, Elizabeth Hayden, Apple Bartlett, Rachel Rolerson Smith, Lisa Russell, Gene Cartwright.

Approval of Minutes of August 18, 2022.

**Motion: To approve Minutes of August 18, 2022, as written, G, Rivera, seconded by S. Makara. No Discussion. Motion passed 4 yes, 0 no, Unanimous. (E. MacKenzie abstained from voting as he was absent from the last meeting.)**

Anyone wishing to address the Harbor Committee:

Dick DeGrasse addressed the Committee with an ongoing concern about an oyster farm that has been established in Broad Cove.

- Dick stated that his concern is not primarily with his mooring, but with anchorages on Islesboro. There are only 6 – 8 deep-water anchorages available for oceangoing boats here now.
- When an oyster farm is in the deep-water part of an anchorage, the anchorage is eliminated from being used by oceangoing vessels. Dick believes the oyster farm belonging to Robert and Hilary Giles ought not to take up space in the deep-water part of Broad Cove, as oyster farms don't need to be in deep water. He thinks it should be moved westward to a shallower location where it won't interfere with the anchorage.
- He is requesting that the Harbor Committee instruct the Giles to move their oyster farm. Chair Ken Smith responded that the Harbor Committee has no input or authority as to where an oyster farm is located. Stan stated that the Harbormaster's job is to make sure a farm is not impeding on navigable waters. In this case it does not impede with the channel.
- Earl MacKenzie stated that he has gone out to do soundings at high tide and low tide. He believes there's a lot of room in there to anchor, including shallow draft schooners. He believes that there are plenty of places around the island for larger vessels to anchor.
- Dick reiterated that his concern is that the oyster farm need not be in 12 feet of water. Let that be available for oceangoing vessels. He believes oyster farms only need 5 feet of water.
- Cheyenne Adams of the Maine Department of Marine Resources (DMR) spoke via Zoom. She stated that it is possible to do aquaculture in very shallow water. However, the permitting

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process for moving the LPA sites is complicated. The permitting process has to be started over again for a new site, meaning a new license.

- Ken stated that as a result of the last meeting, the Harbor Committee sent a letter to Robert and Hilary Giles suggesting they might consider moving their aquaculture farm. The Harbor Committee received a letter from them yesterday. It didn't address any of the concerns addressed during the meeting, only countered some of the testimony given, so it seems they are not interested in moving their operation. Ken would like to discuss further, at another time, some of the other points Dick brought up.

Ethan Spaulding addressed the Committee.

- He and his wife recently moved here and are looking into farming clams in the flats, and are considering an experimental license. He wanted to hear what Cheyenne had to say, but also wanted to hear the Harbor Committee's perspective from a navigable standpoint on location. He'd like to do it North of the Mill Pond Dam.
- He also knows that the clams have been hit hard by the green crabs. He and his wife are thinking about making use of the green crabs on his future saltwater farm (feeding animals).
- Earl stated that there would be no navigable issues in a clam flat, but he recommends Ethan get together with the Shellfish Committee.

Presentation by Cheyenne Adams, aquaculture scientist from the Maine Department of Marine Resources

- Cheyenne stated she is primarily involved with the application process for aquaculture sites, issuing leases and licenses, and also the inspection program for general compliance throughout the state.
- She shared a slideshow presentation giving an overview of aquaculture in Maine, which included information on lease sites, and the differences between the three main types of aquaculture permits in Maine. (See attached document.)
- With an annual LPA license, the Harbormaster must sign if they don't believe it interferes with riparian access, navigation, fishing, or other uses. With an Experimental Lease or Standard Lease, the Harbormaster is sent a questionnaire with questions about riparian access, navigation, fishing, moorings, and any other information that the Harbormaster wants to provide. If the Harbormaster chooses to consult with the Harbor Committee or Select Board before filling out the questionnaire or signing the LPA license, they are entitled to do that.
- In issuing LPA licenses, the DMR must consider these three decision criteria, and is not generally able to consider anything other than these: riparian ingress and egress, general navigation in the area, fishing and other uses of the area.
- In any 1000-foot radius, there can't be more than four LPA sites.
- Cheyenne went into detail on the application process and opportunities for municipal or public involvement. There is a two-week comment period, and the Town is sent notice for this period. Some municipalities may choose to post notice to the public.

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- For Experimental and Standard Leases, there are additional criteria: unreasonable interference to other aquaculture in the area, wildlife or marine habitat, public beaches, parks, or docks within 1000 feet of the site. Additional criteria for Standard Leases: impacts of noise or light at the lease boundaries, visual impact criteria, potential impacts to certain public conserved lands.
- In the application process for Leases, there is an opportunity for public input during the 30-day public comment period. For an Experimental Lease, there is a Public Hearing, which is optional unless there are five or more requests for a Public Hearing, which can be submitted by anyone during the comment period. Notice of the Hearing is sent to the Town and riparian landowners, and posted on the DMR website. For Standard Leases, there are additional steps and opportunities for feedback on the proposal, including a pre-application meeting between DMR, the applicant, and the Harbormaster, a public scoping session, and a required Public Hearing.
- Cheyenne went into detail on current active and proposed LPAs and Leases around Islesboro.
- Palmer asked if the owners of the various aquafarms are local, or if they can be from out-of-state. Cheyenne answered that for LPAs, there are different fee structures for Maine State residents and out-of-state residents, but there are no other limitations for applicants regarding where they reside.
- Palmer asked if the Town could make a requirement that owners only be local residents. Cheyenne answered that she couldn't speak to that specifically. Generally, in statutes and regulations, the Municipality has the authority to evaluate LPAs in terms of the three decision criteria: riparian access, navigation, fishing and other uses of the area. It doesn't seem that there's a legal framework to evaluate a proposal in terms of an applicant's residency.
- Dylan asked what happens if the Harbormaster doesn't sign off on the Lease. Cheyenne answered that the Harbormaster signs off on LPAs, not on Leases. On Leases, there's more of a process, and opportunity for municipal input, but the Harbormaster doesn't sign off on it. For LPA sites, if the Harbormaster doesn't sign off on it, the DMR considers it an incomplete application, and the DMR generally wouldn't process the application. If the Harbormaster refuses to sign the application for a reason other than the decision criteria, there's a potential the DMR could use a marine patrol review in lieu of the Harbormaster. Dylan asked if there's a way in which we as a Town or we as the Harbor Committee could prevent a lease for going through, for instance, if someone didn't reside on Islesboro for a certain amount of time per year. Or do we have no recourse? Cheyenne reiterated that residency is not one of the criteria that the DMR considers. For a Lease application, the Town or the Committee could submit a comment detailing any concern, and it would be on the record, but the DMR can't consider it because it doesn't pertain to the decision criteria.
- Palmer asked if the Town could make modifications to Leasing requirements and process. Cheyenne answered that this would be a conversation to have with the Commissioner's office and the State Legislature. The Legislators write the statutes that govern the leasing process.
- Ken stated that 20 years is a long time. He asked Cheyenne if there is any recourse if the DMR gives someone a Lease and something happens halfway through that would change the complexity of it and how it might affect the island. Cheyenne answered that there is an amendment process, and applicants can apply to amend certain aspects of the Lease. There is also a possibility for Leases to be issued for less than 20 years. In some cases where there may

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be a concern, the DMR may issue a Lease for 5 or 10 years so they can re-evaluate the use of that mooring field a little sooner. There are also other requirements, including an annual inspection, so they can make sure it's being run appropriately.

- Stan stated that there's a landowner who has a concern with an existing LPA and asked Cheyenne if she would listen to his concern and see if there's a resolution. Cheyenne stated she would listen, but there's probably nothing she could do on this phone call. She advised anyone who has concerns about existing LPAs to submit a comment to the DMR. Comments are considered during the renewal process. Dick DeGrasse stated that he has had many conversations with Cheyenne and said she's been very helpful. Dick thought the decisions were up to the Harbormaster, in regards to navigation. Dick considers navigation to include mooring fields and anchorages as well as channels.
- Dylan added that the Harbormaster is the most weight we have in this, so it would be good for the Harbormaster to have an opinion. Dylan is concerned about a Lease application for a large site that's the size of our Town mooring field, and the Harbormaster should have a say in it. Cheyenne reiterated that if the Municipality has any concerns about navigation, access to moorings, access to docks, fishing in the area, or anything that pertains to the decision criteria, she encourages the Municipality to provide feedback to the DMR via the Harbormaster questionnaire. It will be taken seriously and weighed heavily during the application process.
- Dick asked Cheyenne if the Giles don't renew their LPA at the end of the year, are they required to move their oyster farm. Cheyenne answered that they would be required to remove their gear. They would be given a grace period established by the Commissioner's office.
- Dick asked if the individual responsible for renewing an LPA is the Harbormaster. Cheyenne answered that it's the State that processes the renewal applications. The DMR takes any comments into account in that renewal decision, including feedback from the Harbormaster as well as any public comments.
- Ken asked if Leases can be sold. Cheyenne answered that Lease sites can be transferred to another individual. Nothing would change about the operation of the site. There is an application process for the transfer.
- Palmer asked if the Harbormaster could advise the Harbor Committee, and the Harbor Committee make recommendations on these applications. Cheyenne answered that this is a process that can be worked out on the Municipal level. Different Municipalities do it differently. In terms of the State process, it would be the same. In some Towns, the Harbormaster discusses applications with the Harbor Committee, Town Manager, Select Board, etc. before filling out a Lease questionnaire or signing off on an LPA license.
- Ethan asked Cheyenne for her email. She answered it's [cheyenne.adams@maine.gov](mailto:cheyenne.adams@maine.gov).
- Ethan asked if for an LPA application, he should contact the Army Corps of Engineers. Cheyenne answered that after he fills out the application form online, the DMR will forward it to the Army Corps of Engineers.

Follow-up on last Harbor Committee Decisions

Ken reported that the Committee made two decisions at the last meeting.

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- The Harbor Committee made a written request for Robert & Hilary Giles to consider moving their oyster farm. We received a letter in response from them yesterday, which referred more to the testimony that took place at the last meeting. Ken thought the implication was that they have no intention of moving their farm.
  - We also requested that Dick DeGrasse locate his mooring. If there is a mooring where he states, the oyster farm would be interfering with it, and that's one of the Harbor Committee's responsibilities. Dick stated that the mooring exists. It's a 2-ton granite block. They tried to send a diver down, but the visibility was poor, and it hasn't been located yet. Ken reiterated that it was a condition that Dick had to have a mooring in order for the Harbor Committee to get involved in this issue.
  - Earl stated that, generally speaking, if a mooring is gone for two or more years, it's considered abandoned. That mooring hasn't been visible. Earl has asked different providers and fishermen, and he hasn't found anyone who's seen that mooring in a number of years. Dick stated that he used the mooring two years ago, with his son's boat. Dylan stated that at the last meeting, we suggested that Dick mark the mooring with a ball. Dick stated that he put a ball at the coordinates of the mooring, but it's not attached to the mooring. Dylan stated that without the mooring being properly marked, we don't have anything to go by, physically, as a reference point.
  - Earl stated that he thinks there is plenty of room for a mooring, with plenty of swing, even with the oyster farm there. He reiterated after doing soundings, he thinks there's room to put more than one mooring in there, for a boat that's good sized. There's also still a little more room for fishermen to put gear in. Earl stated the oyster farm seems to be reasonably placed. Earl considers Dick's mooring to be abandoned. It has not been properly marked and maintained. There is adequate space for Dick to set another mooring or two. Dick reiterated that his concern is not just about his mooring, but about the anchorage.
  - Ken stated that we have the Giles' letter. They would like to have us either amend the minutes from the last meeting, or to include the letter in the files to correct the record, and forward his letter to the DMR. Ken believes we've done what we said we would do, we've had a response, so now he suggests we send the Giles' letter to the DMR. Under our Ordinance, anyone can appeal the decision of the Harbormaster or Deputy Harbormaster. We've listened to Dick's appeal, and we've done what we felt we could legally do. We made a request, which was apparently rejected, and there are still some pieces outstanding. The concern for anchorages and navigation is certainly on everyone's mind.
- The second decision we made at the last meeting was regarding a letter from Alice Leighton requesting stairs at Pripet Landing.
  - An abutting neighbor to the Town property at Pripet Landing said he'd be happy to let Alice use his steps to get to the beach.
  - Ken stated he spoke with this neighbor, who has made three attempts to contact Alice, but she's not around. He is going to continue to pursue that. This issue has been resolved.

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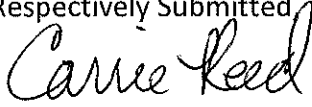
Mapping of Designated Town Mooring Fields.

Ken reported that since the time of the last mapping of the two Town anchorages was done, the number of new moorings has grown. Stan and Ken went up in Stan's plane and took photos at different altitudes. Ken has tried to convert the files to Microsoft Access, but was unsuccessful. We need to take a drone and map the Town anchorages, and beyond. Ken proposes that we ask the Select Board to expand both anchorages before they are completely full. Drone photos will be taken at the same altitude and mooring coordinates determined. This is a winter project, best done while the boats are off the moorings. By next summer, we will have a lot of data, including names of owners, type and size of mooring, depth of water, etc.

Harbor Masters' Reports

- Stan reported that it's been a quiet season. Earl has spoken with Scott Sienkiewicz and arranged to upgrade the electric and the panel box at the ferry dock. The conduit underneath needs to be repaired. Earl tacked the box back up after it came loose last spring, and told Scott that if it needs replacing, just do it. We will make a boat available to help him so he can get under there at high tide. He was there today working on it.
- Earl reported that a few boats got away during storms, and they had to chase them. All turned out well. We need to encourage people to move their boats from the north side of the dinghy floats during storms, and to keep their dinghies bailed, and to take the oarlocks out. If someone is going to be gone for 2 or 3 weeks, they should take their dinghy out. The summer before last, we had 32-34 dinghies, this summer, we had the same. One day, there were 36, but it dropped back down, all stickered. People are getting better about getting their permits. It's a good idea to have a rack on the shore for some of the lightweight dinghies. We can make a dolly available.
- On the Windlass, there was concern about insurance from the Town. Earl spoke with Gabe, and Gabe was going to talk to Christian about updating our existing one, so on a yearly basis, when people pay their dinghy fee, they can read it, sign it, and we can keep it on file for the Town's insurance purposes.

**Motion to adjourn meeting at 8:00 pm by E. MacKenzie, seconded by S. Makara. No discussion.  
Motion passed 6 yes, 0 no.**

Respectively Submitted  
  
Carrie Reed, Secretary

Addendum 10/27/2022: Please see attached letter from Robert & Hilary Giles clarifying testimony given.