Common Aquaculture Lease Application Mistakes

This document was generated by DMR staff and reflects mistakes that are routinely identified during the review of experimental and standard lease applications. These are the issues, or combination of issues, that most often result in an application being found incomplete.

1. **Know the Audience**
   o The application needs to be written for the general public, not just DMR or other stakeholders that may be more familiar with aquaculture.

2. **General Formatting**
   o The application needs to be on the most current version of the application form, which is available on DMR's website.
   o All figures and diagrams need to be labeled.
   o Answers to application questions should be typed or written in pen (i.e. not pencil).
   o Applicants should be sure the pages are numbered correctly and in order.
   o Pages should either be all single-sided or all double-sided, not a combination.
   o Applicants should remove any pages of the application that don't pertain to their proposal or are left blank (e.g. the "Landowner/Municipal Permission Requirements" section of the application, which only applies to applications that are intertidal or propose to use private property for site access).
   o Applicants should use consistent referencing and naming throughout the application, so that it is clear what is being described (i.e. using terms like oyster cages and oyster ranches interchangeably throughout the application makes it difficult for the public to understand what is being proposed).

3. **Carefully Read Each Question and Provide Complete Answers. Partially Answered Questions or Missing Information Often Include:**
   o Figures (overhead and cross-section view, gear drawing, etc.): applicants often don't include the north arrow, scale bar, source of coordinate data (e.g. Google Earth), or separate overhead and cross section views for overwintering. Applicants should be sure to include all gear types that are listed in the gear table in the appropriate figures (e.g. the overhead view(s) should show the layout of *all* proposed gear types on the site).
   o Species: Applicants that are proposing more than one species often forget to include harvest information, gear types, etc., for each species being proposed (e.g. someone proposing to cultivate oysters and scallops might only describe oyster cultivation).
   o Existing uses section: This asks applicants to describe other observed uses of the area (e.g. kayaking, fishing, etc.). Applicants will list an activity but won't describe the frequency at which the activity occurs or where it occurs with relationship to the proposed lease site.
   o Current operations: Applicants should list the acronyms for all current leases and LPAs, and what the plan would be for those upon approval of the proposed lease.
   o Corporate applicants: make sure the Corporate Applicant Form (available on DMR's website) and Articles of Incorporation are included with the submitted application.

- o Standard leases: Applicants should make sure the cover page includes the dates of any pre-application requirements and the dates that applications were submitted.
- o Escrow account/performance bond: Applicants should be sure to select which escrow account/performance bond requirement is applicable.

4. **Sites That Are Shown As Intertidal An A NOAA Chart**
   - o If the NOAA chart shows that any portion of the proposed lease is intertidal, the application needs to include the required permissions.
   - o If the applicant maintains that the site is subtidal, the applicant will need to provide documentation that verifies the site is in fact subtidal. If this is the case, the applicant should contact DMR before submitting an application (DMRaquaculture@maine.gov).

5. **Know The Boundaries**
   - o For LPAs, moorings can be deployed outside the boundaries of the site. This is not the case for leases.
   - o Applicants should be sure all gear, including moorings and associated buoys, fit within the boundaries of the proposed site at all tidal stages. Applicants should take into account gear swing at lower tidal stages.

6. **Riparian Landowner List**
   - o The 1,000-foot radius around the proposed site should be measured at mean low water, using a NOAA chart, to determine which parcels are included on the list. Shoreline parcels are assumed to extend 1,650 feet seaward from the high-water mark. In many cases, this means that if there is intertidal land within 1,000 feet of the proposal, the upland parcel adjacent to the intertidal land should be included on the list.
   - o The AQ Division has created a reference document for how to measure and determine what riparian parcels should be included on the list. That document is available on DMR's website.
   - o The riparian list needs to be legible.

7. **Incomplete Letters**
   - o After reviewing the initial application submission, DMR may send an incomplete letter if items or details are missing from the application.
   - o Applicants should carefully review and address any items noted in the incomplete letter. If something isn't clear, applicants should contact DMR for clarification (DMRaquaculture@maine.gov). Failure to address every item in the incomplete letter will result in an additional round of review, which delays the application from moving forward in the process.
   - o While considering any relevant submission timelines (i.e. for standard applications only), applicants are encouraged to take the time to address the issues completely, instead of rushing to submit an application that isn't fully revised.