

**Department of Marine Resources**  
**NOTICE OF AGENCY RULE-MAKING PROPOSAL**

**RULE TITLE OR SUBJECT:** Chapter 2.10(6) & 2.64(7)(C) Minimum Finfish Lease Site Separation - Repeal

**CONCISE SUMMARY:** The minimum finfish lease site separation of 2,000 feet is proposed to be repealed, based on the Department's determination that requirements for separation between sites may best be established taking into account the circumstances of the individual sites, existing fish health regulations in Chapter 24, the Bay Management Agreement of 2002 signed by all current finfish leaseholders, the advice of the Fish Health Technical Committee and lease decision criteria that require consideration of the number, density and proximity of other lease sites.

**STATUTORY AUTHORITY:** 12 M.R.S. §6072

**PUBLIC HEARING:** January 12, 2010, 4PM\*, UMM, Science Lecture Hall (Rm 102), 9 O'Brien Ave., Machias

*\*In Machias a separate rulemaking for Ch 34 will start at 6PM. See separate rulemaking notices for the rules not listed in this notice.*

**DEADLINE FOR COMMENTS:** January 25, 2010

*To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.*

**AGENCY CONTACT PERSON:** Marcy Nelson (207-633-9502)

**Mail Written Comments to:** Department of Marine Resources, attn L. Churchill

**ADDRESS:** PO Box 8, West Boothbay Harbor, Maine 04575-0008

**WEB SITE:** <http://www.maine.gov/dmr/rulemaking/>

**E-MAIL:** [laurice.churchill@maine.gov](mailto:laurice.churchill@maine.gov) TEL: (207) 633-9584 FAX:(207) 633-9579 TTY:(207) 633-9500 (Deaf/Hard of Hearing) Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

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*A copy of Chapter 2 is available online at: <http://www.maine.gov/sos/cec/rules/13/188/188c002.doc>*

*Proposed rulemaking – see underlined or ~~deleted~~ text below:*

Chapter 2 - Aquaculture Lease Regulations

2.10 Application Requirements for Standard Leases

~~6. Minimum Finfish Lease Site Separation~~

~~For all lease applications granted after February 17, 2003 all finfish pen culture lease sites must be located a minimum of 2,000 feet, by water, from any other finfish lease site located in Maine waters. This requirement does not apply to the renewal or transfer of an existing lease, or to the issuance of any new lease within the approximate boundaries of a prior, terminated lease, provided that the lease holder has entered into and is in compliance with a Department approved bay management agreement and is in compliance with all provisions of the Department's regulations to Chapter 24.~~

2.64 Experimental Aquaculture Lease

~~7. Decision.~~

~~C. Finfish lease applications must adhere to the minimum finfish lease site separation as contained in Chapter 2.10(6) of these regulations.~~