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GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
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AUGUSTA, MAINE
04333-0021

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COMMISSIONER

MUNICIPAL ENGAGEMENT IN LIMITED-PURPOSE AQUACULTURE (LPA) LICENSING

What is an LPA?

An LPA license authorizes the culture of certain marine organisms using specified types of gear. An LPA cannot exceed 400 square feet in size, is a no discharge site, and expires December 31st each year (the holder may apply to renew the license). LPAs are only issued to individuals. Given their limited scale, these sites are reviewed through a 'permit by rule' type process. There are no hearings for LPAs.

When may a municipality provide feedback?

- The Department of Marine Resources (Department) has exclusive jurisdiction to license coastal waters, but the process affords municipalities with opportunities to participate in the evaluation of those sites.
- Municipalities are directly notified via email to the town clerk of new LPA applications, final decisions on LPA applications, and at the time of renewal for existing LPA sites. Note: shoreline property owners within 300 feet of the proposed site are also notified directly by the applicant via certified mail.
- LPA applications require review and signature by the harbormaster, if the town has no harbormaster, then another municipal designee may review and sign the application. The signature helps verify, that it is in the opinion of the reviewer, the proposed activity will not unreasonably interfere with navigation, the ingress and egress of riparian owners, or fishing or other uses of the area.
- If an LPA is sited in five feet of water or less and the municipality has a shellfish management program in accordance with 12 M.R.S.A. §6671, then the applicant needs to get the signature of the chairperson of the committee or designated town officer. Some municipalities have a shellfish program, but no committee. If that is the case, then a municipal official shall sign.
- For more detailed information about municipal participation in aquaculture licensing, please visit: <https://www.maine.gov/dmr/aquaculture/municipal-participation-in-aquaculture>

What does effective feedback look like?

Substantive comments and effective feedback on an application should:

- **Evaluate the specific site being proposed:** Review the application(s), which detail the proposed activities (proposed size, culture type, location, etc.).
- **Address legal decision criteria:** All LPA licenses are evaluated in accordance with criteria established in law/rule. These criteria include property owner access (riparian ingress/egress), commercial fishing activities, navigation, and other water-related uses. The Department cannot consider other criteria not expressly listed in law/rule.

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Avoid general statements in your comments like *'There's too much aquaculture in our town.'* These statements are not tied to legal decision criteria, so they cannot be considered. Comments like *'This is an important harvest area for winter digging of clams especially on low drain tides'* fits the criteria and can be considered by DMR.

- **Be as detailed as possible:** Support your points with evidence or examples as this helps us better understand your concerns. Evidence including maps, chart plotter, logs, or photographs are encouraged to support your comment.

Instead of general comments like *'Commercial fishing here'*; consider a more detailed comment with supporting information like *'Commercial lobstering within the boundaries of the proposed site May-November. Approximately 15 traps within the boundaries of the proposed site.'* The second statement give us a better understanding of what species are being targeted, when fishing occurs, and relative frequency. These details are very important.

- **Follow submission/participation instructions:** Please make sure comments are submitted in accordance with deadlines.

How will we know if our feedback has been received and used?

The Department acknowledges written receipt of each comment received. The Department issues written decisions for all license applications. The Department notifies the municipality and shoreline property owners of the final decision.

LPA Decision Criteria

The legal criteria (12 M.R.S.A. §6072-C(2-A) and Chapter 2.90) for granting a limited-purpose aquaculture license for certain aquaculture activities include:

- The gear does not present an unreasonable impediment to safe navigation;
- The proposed activity does not unreasonably interfere with the ingress and egress of riparian owners;
- The proposed activity does not unreasonably interfere with fishing or other uses of the area, taking into consideration the number and density of aquaculture leases and licensed aquaculture activities in that area.

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If you have questions, please contact us at:

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