



# **STANDARD: NON-DISCHARGE** **AQUACULTURE LEASE APPLICATION**



This is an application for a standard aquaculture lease. You are encouraged to review the standard lease regulations to obtain a complete understanding of the standard lease process. Regulations and the application instructions are available at the Maine Department of Marine Resources (DMR) website: [www.maine.gov/dmr/aquaculture](http://www.maine.gov/dmr/aquaculture).

This is a joint application to be used by the (DMR) and the U.S. Army Corps of Engineers (USACE). **Written authorization from both agencies is required before aquaculture activities are conducted.** Information regarding the USACE is available at: <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/ME/2020-2025-MaineGeneralPermits.pdf>

### **Fee Schedule:**

- Draft Application Fee: Prior to holding a scoping session, standard lease applicants must submit a draft application to DMR with a **non-refundable \$500 fee.**
- Final Application Fee: After holding a scoping session, standard lease applicants must submit an application to DMR with a **non-refundable \$1,000 fee.**

### **Mailing Instructions:**

Provide one copy of your application to DMR at the appropriate address listed below. DMR will notify the applicant once the application has been received.

If sending via U.S. Post Office:	If sending via email:	If sending by FedEx, UPS or other overnight service (except the U.S. Post Office):
DEPARTMENT OF MARINE RESOURCES ATTN: Aquaculture Division 21 State House Station Augusta, Maine 04333-0021	<a href="mailto:DMRAquaculture@maine.gov">DMRAquaculture@maine.gov</a>	DEPARTMENT OF MARINE RESOURCES ATTN: Aquaculture Division 32 Blossom Lane Augusta, Maine 04333

Provide one copy of your application to the USACE address listed below or email to:

[Cenae-r-me@usace.army.mil](mailto:Cenae-r-me@usace.army.mil)

U.S. ARMY CORPS OF ENGINEERS  
MAINE PROJECT OFFICE  
442 Civic Center Drive, Suite 350  
Augusta, Maine 04330

## APPLICATION INSTRUCTIONS

**The standard lease application process has changed** due to DMR Regulation changes that went into effect on April 1, 2019. For a detailed description of these changes, please refer to the document hosted on DMR’s website titled: Standard Aquaculture Lease Guidance Document

**A notable change** in the standard lease application process is the requirement that applicants submit a draft application to DMR prior to conducting a scoping session. Please use this form for both a draft application, which is submitted prior to a scoping session, and for a final application.

**If your proposed operations would discharge anything into the water** such as feed (pellets, kelp, etc.) or additives (therapeutants, chemical treatments, drugs, etc.) please do not complete this application and complete the “Standard Aquaculture Lease: Discharge” application is instead.

Before submitting your application make sure you have answered all questions and included all of the necessary documents. ***Failure to do so may result in significant delays in processing time.***

### General suggestions for completing standard lease applications

- Answer all questions clearly and in detail.
- If a question does not pertain to your proposed operations, please write “**not applicable**” or “N/A.” *Leaving questions blank will result in processing delays.*
- If you have questions about the application or leasing process, please contact DMR at (207) 624-6567.
- Please label all maps, diagrams, and images according to the instructions provided.

## APPLICATION SUBMISSION CHECKLIST

**Please note:** This checklist is provided for the applicant's reference and does not need to be returned with the application.

### I. Content

\_\_\_\_\_ **Payment** for non-refundable application fee (\$500 for Draft Applications and \$1,000 for Final Applications). Checks should be included with the application and payable to "Treasurer State of Maine". If paying via credit card, DMR staff will contact you with payment instructions once the application has been received. DO NOT include your credit card information with the application. *Note: your application will not be reviewed until payment has been received.*

\_\_\_\_\_ **One (1) Vicinity map** with required items shown

\_\_\_\_\_ **One (1) Boundary drawing** with required items shown

\_\_\_\_\_ **One (1) Gear drawing** for each type of gear proposed

\_\_\_\_\_ **One (1) Overhead view** depicting layout of gear from overhead

\_\_\_\_\_ **One (1) Cross section view** depicting gear & moorings from the side for each gear configuration

\_\_\_\_\_ **Tax map(s)**

\_\_\_\_\_ **Riparian list**, certified (*if applicable*)

\_\_\_\_\_ **Corporate applicant information document** and articles of incorporation or documentation of partnership (*if applicable*). This form is required and must be submitted if the applicant is a corporation or partnership (available at <https://www.maine.gov/dmr/aquaculture/forms/standard.html>).

### If any portion of the proposed lease site is above mean low water:

\_\_\_\_\_ **Written permission** from all riparian landowners of the intertidal land on which the lease is proposed.

\_\_\_\_\_ **Written consent** from the municipal officers (only required if the municipality has a shellfish conservation program per 12 MRSA §6671).

### II. Formatting

\_\_\_\_\_ All pages (including attachments) are numbered sequentially

\_\_\_\_\_ All attachments are clearly labeled and legible

\_\_\_\_\_ Drawings and maps are legible, labeled properly, and include all required elements

\_\_\_\_\_ All questions have been answered and signature pages signed

\_\_\_\_\_ Please do not staple applications

## STANDARD LEASE APPLICATION: NON-DISCHARGE

### 1. APPLICANT CONTACT INFORMATION

Applicant			
Contact Person			
Address			
City			
State, Zip			
County			
Telephone			
Email			
Type of Application	<input type="checkbox"/> Draft Application <small>[submitted before scoping session session]</small>		<input type="checkbox"/> Final Application <small>[submitted after scoping session]</small>
Dates	Pre-Application Meeting:	Draft Application Submitted:	Scoping Session:
Payment Type	Draft Application: <input type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card		Final Application: <input type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card

**Note:** The email address you list here will be the primary means by which we will contact you. Please provide an email address that is checked regularly. If you do not use email, please leave this blank.

### 2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	
Waterbody	
General Description (e.g. south of B Island)	
Lease Information	
Total acreage requested (100-acre maximum)	
Lease term requested (20-year maximum)	
Type of culture (check all that apply)	<input type="checkbox"/> Bottom (no gear) <input type="checkbox"/> Suspended (gear in the water and/or on the bottom)
Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Note:** If you selected yes, you need to complete the steps outlined in the section titled: “19. Landowner/Municipal Permission Requirements”.

### 3. GROWING AREA DESIGNATION

Directions: Information for growing area designations can be found here:

<https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>

Growing Area Designation (e.g. WL):	
Growing Area Section (e.g. "A1"):	

**Note:** If you are proposing to grow molluscan shellfish in waters classified as anything other than open/approved, you will need to contact the Bureau of Public Health to discuss your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

### 4. SPECIES INFORMATION

A. Please complete the table below and add additional rows as needed.

Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock or juveniles	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1.		
2.		
3.		
4.		
5.		

B. Do you intend to possess, transport, or sell whole or roe-on scallops?  Yes  No

If you answered “yes” please contact the Bureau of Public Health to discuss your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

**Note:** If you are proposing to grow molluscan shellfish, this application also serves as your written operational plan as required in the National Shellfish Sanitation Program (NSSP) Model Ordinance Chapter 2 and must be maintained in your files. If you wish to submit an operational plan separate from this application, please contact: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

## 5. VICINITY MAP

**Note:** Please label as: ‘Vicinity Map’.

**Directions:** Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the proposed lease site.

The map needs to display the following:

- The waters, shore lands, and lines of mean high and mean low water within the general area of the lease
- An arrow indicating true north
- A scale bar
- The approximate lease boundaries

## 6. BOUNDARY DRAWING

**Note:** Please label as: ‘Boundary Drawing’.

**Directions:** Depict the boundaries of the proposed lease site. Provide a drawing with all corners, directions, and distances labeled. Provide coordinates for each corner as follows:

- Coordinate Description  
Provide geographic coordinates for each corner of the lease site in latitude and longitude as accurately as possible (e.g., to the nearest second or fraction of a second). Identify the datum from the map, chart, or GPS unit used to develop these coordinates. The datum will be shown on the map or chart you are using. The Coordinate Description may be provided separately from the Boundary Drawing.

**7. SITE DEVELOPMENT**

**Directions:** If your operations require the use of cages, nets, ropes, trays, or any object (structure) other than the organism to be grown directly on the bottom or buoys to mark the corners of the lease site, you must submit gear drawings and maximum structure schematics (information below). This section is intended to provide accurate plans depicting the physical structures to be placed in the proposed area. All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in). If you are proposing a bottom lease (no gear), please skip to question “F. Marking”.

**Note:** You may embed the schematics within the document or attach them to the end of your application. If you attach the schematics, please label them according to the instructions provided below.

**A. Gear Information**

**Directions:** Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. Include units referenced (i.e. 10in, 10ft, etc.).

1. Gear Drawing: Please include the following for each gear type that will hold organisms to be cultured (e.g. polar circles, marine algae longlines, oyster cages) and label as “Gear Drawing”. This view must show the following:
  - Length, width, and height of each gear type.
  
2. Gear Table: List and describe each individual gear type that you will use in the table below. (e.g. polar circles, marine algae longline, oyster cages, moorings, mooring lines, buoys, etc.).

Specific Gear Type <i>(e.g. soft mesh bag)</i>	Dimensions <i>(e.g. 16"x20"x2")</i>	Time of year gear will be deployed <i>(e.g. Spring, Winter, etc.)</i>	Maximum amount of this gear type that will be deployed on the site <i>(i.e. 200 cages, 100 lantern nets, etc.)</i>	Species that will be grown using this gear type

**B. Maximum Structure and Mooring System Schematic**

**Directions:** Include drawings of your maximum gear layout. Include units referenced (i.e. 10in, 10ft, etc.).

1. Overhead View. Please include the following and label as “Overhead View”:
  - Maximum layout of gear, including moorings.
  - Length and width of project.
  - Approximate spacing between gear.
  - Lease boundaries and the location of proposed corner markers and any additional gear markers that would be present.
  
2. Cross-Section View. Please include the following and label as “Cross-Section View”:
  - The sea bottom.
  - Profile of gear in cross-section as it will be deployed.
  - Label gear with dimensions and materials.
  - Show mooring gear with mooring type, scope, hardware, and line type and size.
  - Depth of gear in relation to the water’s surface at mean low water and mean high water (if applicable).

**Note:** Please include an additional Cross Section View, depicting the elements listed above, if there will be seasonal changes to gear layout (i.e. over wintering).

**C. On-Site Support Structures**

- |   |
|---|
| 1. Describe structures such as barges, sheds, etc., to be located on-site. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc. |
| <br><br><br><br><br><br><br><br><br><br>  |

- |  |
|--|
| 2. Describe the storage and use of oil, gasoline, or other hazardous materials on site. If petroleum products are to be stored on site, provide a spill prevention plan. |
| <br><br><br><br><br><br><br><br><br><br>   |



**D. Gear Color**

Provide the color of the gear and structures proposed to be used at the lease site.

**E. Equipment Layout**

Provide schematic or photographic renderings of the generalized layout of the equipment as depicted from two vantage points on the water. Provide the locations of the two vantage points.

**F. Marking**

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? In part, this requires marker buoys which clearly display the lease ID and the words SEA FARM to be located at each corner of the lease. Effective January 1, 2023, marker buoys need to be yellow and host reflective material.
<input type="checkbox"/> Yes <input type="checkbox"/> No
If you answered no, explain why and suggest alternate markings.

**Note:** If a lease is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard Regulations contact: 1<sup>st</sup> Coast Guard District, Aids to Navigation Office ((617)-223-3293).

## 8. PRODUCTION ACTIVITIES

**Directions:** If you are cultivating more than one species, you will need to provide the following information for each species. Please attach additional pages if needed.

**A.** Please explain your proposed seeding activities. What months will seeding occur and how often will you be onsite to seed during this time.

**B.** Please explain your proposed tending/maintenance activities.

**C.** How frequently will you visit the site for routine tending/maintenance (i.e. flipping cages, etc.)?

**D.** Describe the harvesting techniques you will use. If you plan on using a drag, please provide the dimensions.

**E.** How often will you be at the site during harvesting periods?

**F.** Will gear be on the site year-round?  Yes  No

**G.** Describe any overwintering or “off season” plans for the site. For example, will you remove gear from the site and/or deploy gear in different areas within the proposed site? Please include where gear or product will be located if removed from the site.

**H.** Please provide details on any predator control techniques you plan to employ.

I. Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. In order to comply with the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), DMR is requiring that applications for the suspended culture of shellfish include a description of mitigation or deterrent measures to minimize the potential pollution impacts of birds at the proposed site. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Submerging suspended gear and associated product at a depth sufficient to deter roosting for two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) to gear
- The site is proposed for the culture of seed only
- The site is proposed for the culture of adductor-only scallops (i.e. no other shellfish species would be grown on the site)
- Proposed gear would always be suspended below the surface of the water at a depth sufficient to deter roosting (i.e. as is common for scallop lantern nets)

## 9. NOISE AND LIGHT

**Directions:** If a question does not pertain to your proposed operations, please write “**not applicable**” or “N/A”.

A. What type of boats will be used on the site? When and how often will these vessels be on the site?

**B.** What type of powered equipment (e.g. generator, power washer, grading equipment, barges, etc.) will be used on the site? When and how often will the equipment be used?

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**C.** Specify how you intend to reduce noise levels from the boats and other powered equipment.

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**D.** Provide the number, type (whether fixtures are shielded), wattage and location of lights, other than those used for navigation or marking, that will be used at the proposed lease site.

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**E.** Indicate under what circumstances you might work at your site beyond daylight hours.

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## 10. CURRENT OPERATIONS

**Directions:** If a question does not pertain to your proposed operations, please write “**not applicable**” or “**N/A**”.

**A.** Describe your existing aquaculture operations, including the acronyms of all active leases and/or licenses.

**B.** What are your plans for any existing leases and/or Limited Purpose Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or LPA licenses be relinquished if the lease is granted? If so, please indicate which ones.

## 11. ENVIRONMENTAL CHARACTERIZATION

**Directions:** Using your knowledge of the area, describe the environment of the proposed lease site. Be sure to include units of measurement in your answers (i.e. feet, cm/s).

**A.** What are the approximate depths at mean low water?

**B.** What are the approximate depths at mean high water?

**C.** Provide the approximate current speed and direction during the ebb and flow.

<p><b>D.</b> The following questions (D.1 through D.6) may be answered in writing or by submitting a video. If you plan to submit a video, please contact the Department prior to video collection.</p>
<p><b>1.</b> What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?</p>
<p><b>2.</b> Describe the bottom topography (flat, steep rough, etc.).</p>
<p><b>3.</b> Describe marine organisms by species or common names. Based on your personal observations or other sources of information, are these species abundant, common, or rare?</p>
<p><b>4.</b> Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.</p>
<p><b>5.</b> Describe the presence and extent of submerged aquatic vegetation, i.e. eelgrass, within the proposed lease area. Please include the date of this observation along with the method of observation. If submerged aquatic vegetation is observed, please also describe the abundance below and sketch the limits of the beds in the vicinity map.</p>

<b>6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)</b>

<b>E. Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No

**Note:** The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

*If a project is located within an Essential Habitat*, applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator ([John.Perry@maine.gov](mailto:John.Perry@maine.gov), phone: 207-287-5254) prior to application submission.

**12. EXISTING USES**

<b>A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year c) frequency and d) proximity to the lease site for each existing use.</b>
<b>1. Commercial Fishing</b>
<b>2. Recreational Fishing</b>



<b>3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)</b>
<b>4. Ingress and egress (i.e. coming and going) of shorefront property owners within 1,000 feet of the proposal (e.g. docks, moorings, landing boats on shore, etc.)</b>
<b>5. Other uses (kayaking, swimming, etc.)</b>

<b>B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from the proposed lease.</b>

<b>C. Are there public beaches, parks, docking facilities or federally, state, or municipally conserved lands within 1,000 feet of the proposed lease site? If yes, please describe and include approximate distances from proposed lease.</b>

**D.** Are there any Limited Purpose Aquaculture (LPA) licenses or aquaculture leases within 1,000 feet of your proposed lease site? If yes, please list their acronyms below.

Current and pending aquaculture leases and active LPA licenses may be found here:  
<https://www.maine.gov/dmr/aquaculture/leases/index.html>

### **13. EXCLUSIVE USE**

If your lease is granted, what activities would you request be excluded from occurring within the boundaries of the lease site? In your answer please address applicable commercial and recreational fishing, boating activities, and other activities you listed in the 'Existing Uses' section of this application.

## 14. RIPARIAN LANDOWNERS AND SITE ACCESS

A. If your lease is within 1,000ft of shorefront land (**which extends to mean low water or 1,650 ft. from shore, whichever is less, according to NOAA charts**), the following supporting documents are required:

1. A labeled copy of a tax map(s) depicting the location of the proposed lease site and including the following elements:
  - Label the map “Tax Map: Town of (name of town).”
  - Legible scale
  - Tax lot numbers clearly displayed
  - The boundaries of the proposed lease
2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000ft of the proposed lease site. Have the tax collector or clerk of the municipality certify the list. Refer to the riparian determination guidance document to ensure all riparian landowners are included:  
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>

*Note:* When the application and riparian list are both ready to be submitted, you may choose to email a copy of the riparian list and proposed lease coordinates to [DMRAquaculture@maine.gov](mailto:DMRAquaculture@maine.gov) for staff to verify that all required parcels are included on the list *before* having it certified by the municipality. DMR will not verify a riparian list multiple times, so please ensure there will be no additional changes to the application before emailing the riparian list for verification.

3. If any portion of the site is intertidal, you need to complete the steps outlined in the section titled: “19. Landowner/Municipal Permission Requirements”.

**B.** Will your access to the lease area be across riparian land?

Yes     No

**Note:** If you selected yes, you will need to complete the landowner permission requirements included in “19. Landowner/Municipal Permission Requirements” of this application.

**C.** How will you access the proposed site?

**D.** How will your proposed activities affect riparian ingress and egress?

**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 proposed 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:** \_\_\_\_\_

<b>MAP #</b>	<b>LOT #</b>	<b>Landowner name(s) and address(es)</b>

**Please use additional sheets if necessary and attach hereto.**

**CERTIFICATION**

I, \_\_\_\_\_, Town Clerk for the Town of \_\_\_\_\_ 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:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## 15. TECHNICAL CAPABILITY

Provide information regarding professional expertise. Attaching resume or documentation of practical experience necessary to accomplish the proposed project would satisfy this requirement.

## 16. FINANCIAL CAPABILITY

### A. Financial Capability

Please submit a letter from a financial institution indicating the applicant has an account in good standing.

**Note:** Any financial information you submit with your application is part of the public record. Please exercise discretion when submitting financial information.

### B. Cost Estimates

Please provide cost estimates of the proposed aquaculture activities.

## 17. ESCROW ACCOUNT OR PERFORMANCE BOND

Check the category that describes your operation:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
<input type="checkbox"/>	No gear/structure, no discharge	\$500.00
<input type="checkbox"/>	No gear/structure, discharge	\$500.00
<input type="checkbox"/>	≤ 400 square feet of gear/structure, no discharge	\$1,500.00
<input type="checkbox"/>	>400 square feet of gear/structure, no discharge	\$5,000.00*
<input type="checkbox"/>	Gear/Structure, discharge	\$25,000.00

\*DMR may increase the bond/escrow requirements for leases with more than 2,000 square feet of structure.

I, (*printed name of applicant*) \_\_\_\_\_ have read DMR Aquaculture Regulations Chapter 2.64(10) (D) and if this proposed lease is granted by DMR, I will either open an escrow account or obtain a performance bond, in the amount determined by the lease category.

\_\_\_\_\_  
**Applicant Signature**

*Note: Add title if signing on behalf of a corporate applicant.*

\_\_\_\_\_  
**Date**

**ADDITIONAL APPLICANTS:** Each applicant must sign this section indicating that they will open an escrow account or obtain a performance bond. Use the space below for additional persons listed on the application. You may attach additional pages, if necessary.

I, (*printed name of applicant*) \_\_\_\_\_ have read DMR Aquaculture Regulations Chapter 2.64(10) (D) and if this proposed lease is granted by DMR, I will either open an escrow account or obtain a performance bond, in the amount determined by the lease category.

\_\_\_\_\_  
**Applicant Signature**

*Note: Add title if signing on behalf of a corporate applicant.*

\_\_\_\_\_  
**Date**

## 18. APPLICANT SIGNATURE PAGE

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 standard lease process.

Printed name: \_\_\_\_\_

Title (*if corporate applicant*): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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: \_\_\_\_\_

Title (*if corporate applicant*): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**19. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS (if applicable)**

**Directions:** If any portion of the site is intertidal, you need to complete the steps outlined below.

**Step I: Obtain written permission from all intertidal landowners.**

Pursuant to DMR Regulations Chapter 2.10(3)(G) the Department requires *written permission of every owner of intertidal land in, on, or over which the activity will occur*. It is your responsibility to obtain written permission and include it with your application materials. Please note that the Department does not provide forms for landowner permission.

**Step II: Determine if the municipality where your site is located has a shellfish conservation program.**

Pursuant to 12 MRSA §6072(3) *In any municipality with a shellfish conservation program under section 6671, the Commissioner may not lease areas in the **intertidal zone** within the municipality without the consent of the municipal officers.*

If the municipality where the proposed lease site is located has a shellfish conservation program, it is your responsibility to obtain consent for the proposed lease site from the municipal officers (i.e. the selectmen or councilors of the town, or the mayor and aldermen or councilors of a city.) Consent means a majority vote of the municipal officers as recorded in a public meeting.

It is your responsibility to contact the municipality and determine if they have a shellfish conservation program. Best practices would include discussing your plans with shellfish committee members, but only the consent of municipal officers is required.

Does the municipality, where the proposed site is located, have a shellfish conservation program?  Yes  No

**If you answered yes**, please attach documentation from a public meeting demonstrating that a majority of municipal officers have consented to your proposal.



## **Note to Applicants:**

As you prepare your standard lease application for submission, please review the information below. It is intended to provide you with a general overview of when DMR communicates with applicants during the leasing process. It also includes answers to some frequently asked questions as they pertain to application processing.

### **When Will I Hear from DMR Regarding My Standard Lease Application?**

Unless otherwise specified, DMR communicates with applicants via email. Please monitor any email address listed on your application on a regular basis. DMR communicates with standard lease applicants at specific times during the application review process, and you can expect to hear from DMR at the following times:

- 1. When your draft application is reviewed for completeness**
  - DMR strives to review draft applications within 30 days of receipt. However, you may be asked to submit additional materials or clarify aspects of your draft application, and this can lengthen the time it may take for a draft application to be reviewed.
  - DMR will notify you when the draft application can move forward to a scoping session.
- 2. When your final application is ‘deemed complete’**
  - DMR strives to review applications within 30 days of receipt. However, you may be asked to submit additional materials or clarify aspects of your application, and this can lengthen the time it may take for an application to be deemed complete.
- 3. After DMR conducts the site visit a copy of the site report will be sent to you**
  - DMR conducts site visits for applications in the order they are deemed complete. However, the time of year, weather, and your proposed operations are all factors that may determine when site visits occur.
  - Site visits are scheduled and conducted at the discretion of DMR staff. Applicants are usually not present during site visits.
- 4. After the site visit has been conducted and the site report is compiled, DMR will contact you about scheduling the public hearing on your application.**
- 5. A copy of the draft decision will be sent to you for review and comment**
- 6. Should a lease be granted, there will be additional communications regarding the execution of your lease.**

Communications between an applicant and DMR tend to be more frequent during the application review period. Once an application has been deemed complete, communications become less frequent because the proposal is moving through the leasing process. Although DMR’s communication with an applicant may become less frequent, applicants should feel free to contact DMR regarding the status of their proposal.

## **FAQs-Application Process**

### **Why do I have to submit a “draft application?”**

DMR regulations provide that before applicants can schedule a scoping session, they must provide DMR

with a draft lease application. Compiling a draft application helps you think through the important elements of your proposed operations. It also provides members of the public and other stakeholders with a tangible document that they can review and provide feedback on during the scoping session.

DMR will review your draft application and let you know when you can move forward with scheduling a scoping session.

### **What if, after the scoping session, I don't want to make any changes to the draft application?**

If you don't want to make any changes to your draft application, you are still responsible for submitting the following prior to DMR's review of your "final application":

- Submit a new cover page (pg. 1 of this document) and applicant signature page (page 19 of this document) with a copy of the tear sheet advertising the scoping session and the final application fee.

DMR will not review a final application until all items listed above are received.

### **How does DMR staff review applications (applies to both draft and final applications)?**

Applications are reviewed by DMR staff, in the order they are received, at regularly scheduled intervals. DMR staff are reviewing applications to make sure that they contain the requisite information and clearly answer the questions that are being asked. If items are missing or need further clarification, DMR will send you an incomplete letter, which specifies the elements of your application in need of modification. The letter will also include resubmission instructions.

DMR will then review any of the new information or materials you provide. Another incomplete letter may be sent if the additional information or materials need further clarification.

### **My final application was deemed complete. What does that mean?**

The designation "deemed complete" means that the application contains the necessary information for further processing. It does not mean that the proposal will be granted.

### **How long does the leasing process take?**

It depends on a variety of factors including the number of applications currently in process, the time of year an application is deemed complete in consideration of proposed operations, and the complexity of issues raised at a public hearing. These types of factors make it difficult to determine when a final decision on your proposal may be rendered.

### **When will my lease be granted?**

Please note that applying for a lease is not a guarantee that your proposal will be granted. DMR will process your application and render a final decision on the proposal based on applicable evidence as it relates to the lease decision criteria. DMR will send you a copy of the draft proposed decision, which will either grant, or deny the proposal. DMR may also grant the proposal with modifications.

The leasing process is designed to serve multiple stakeholder groups, who all utilize Maine's coastal waters for a variety of different purposes and is intended to provide all stakeholder groups with the opportunity to provide feedback on your proposal. If you have questions about applying for a lease, please contact DMR at [DMRaquaculture@maine.gov](mailto:DMRaquaculture@maine.gov) or 624-6567.