



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  
21 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0021

PATRICK C. KELIHER  
COMMISSIONER

## **CHANGES TO THE AQUACULTURE LEASING PROGRAM**

Effective April 1, 2019

Several changes were made to the aquaculture leasing process through agency rule-making. The following is a summary of the changes that are unique to each lease type followed by general changes that affect both standard and experimental leases. Please carefully review the changes as they may affect aspects of your proposal, or existing operations.

This summary is not intended to be a complete overview of all changes. You are encouraged to review a copy of the adopted rule filing, which includes all changes that were made to Chapter 2. The filing also includes all public comments regarding the changes and DMR's response to comments received. A copy of the adopted rule filing can be accessed by visiting: <https://www.maine.gov/dmr/laws-regulations/newly-adopted-regulations.html>. DMR has also prepared guidance documents describing some of these changes in greater detail. Applicable guidance documents can be found here:

### **I. CHANGES TO THE STANDARD LEASE PROGRAM:**

- Applicants must submit a draft application and a \$500.00 non-refundable draft application fee prior to scheduling a scoping session. The remainder of the \$1,000 non-refundable application fee is due with the submission of the final application.
- The attendance of DMR staff at scoping sessions is no longer required. DMR will use its discretion to determine if staffing at a scoping session is necessary.
- There are specific submission deadlines and timeframes applicants must follow when applying for a standard lease. For example, within four months of a pre-application meeting, the applicant must schedule their own scoping session. Please see Chapter 2.08 for additional guidance.
- Applicants may now apply to expand their existing standard lease(s). See Chapter 2.61 for lease expansion provisions.

### **II. CHANGES TO THE EXPERIMENTAL LEASE PROGRAM:**

- There are specific submission deadlines applicants must follow when applying for an experimental lease. Please see Chapter 2.64 for additional guidance.
- Applicants may only have two experimental lease applications in process at any one time.

OFFICES AT 32 BLOSSOM LANE, MARQUARDT BUILDING, AUGUSTA, MAINE  
<http://www.Maine.gov/dmr>

PHONE: (207) 624-6550

FAX: (207) 624-6024

### III. CHANGES TO BOTH THE STANDARD AND EXPERIMENTAL LEASE PROGRAM:

- Proposed lease sites must be one contiguous tract. However, a proposed lease site may be comprised of a maximum of two tracts provided the tracts are for one of the two reasons listed below:
  - 1) The proposed lease is divided into tracts to address a geographic feature, navigational corridor or existing uses of the area. The distance between the tracts cannot exceed one half mile; **OR**
  - 2) A two-tract lease is part of a site rotation or fallowing management plan that is part of a DMR approved biosecurity plan. In this scenario, the tracts need to be proximate and have similar environmental characteristics, which are determined by DMR.

**Note:** This provision will not apply to multi-tract leases currently approved, applications for multi-tract leases that were deemed complete prior to the change, and any existing multi-tract leases that are subject to renewal.

- Lease amendments have a 14 -day comment period.
- Minimum lease maintenance standards have been expanded to include provisions that address proper disposal and containment of human waste, accumulation of animal waste on structures, and operational plans. These provisions can be found in Chapter 2.75.
- Operational plans are required for all leases utilizing surface gear, including floats and rafts. The completed lease application, executed lease, and any amendments may be used as an operational plan. The lease holder is responsible for keeping a copy of all these documents.
- Renewal fees for non-discharge leases have increased by \$500.00.
- A lease cannot be sited within the 300:1 dilution zone around a wastewater treatment facility unless it meets a specific set of requirements.

If you have questions about DMR's rationale for these changes, please review the adopted rule-filing, which can be found at: <https://www.maine.gov/dmr/laws-regulations/newly-adopted-regulations.html>

If you have clarifying questions about how the changes may affect your proposed or existing operations, please contact DMR at [DMRaquaculture@maine.gov](mailto:DMRaquaculture@maine.gov) or 207-633-9594. Your inquiry will be directed to the appropriate staff person.