

## DECISION CRITERIA

### What are the decision criteria?

The lease must not unreasonably interfere with the following criteria:

- Ingress and egress of riparian owners;
- Navigation;
- Fishing, aquaculture, or other water-related uses of the area;
- The ability of the site and surrounding area to support ecologically significant flora and fauna;
- The public use or enjoyment within 1,000 feet of beaches, parks, or docks owned by local, state, or federal governments *or certain government-owned conserved land*.\*
- *The lease must not result in unreasonable impact from noise or light at the boundaries of the lease site, and it must comply with DMR rules to minimize the visual impact of the lease.\**
- The applicant must demonstrate that there is an available source of organisms to be cultured for the lease site.

### Where do they come from?

The criteria are established by Maine's legislature.

### Can DMR change the criteria?

No, statutory changes must be made by the Maine legislature.

Note: this document is intended as a general overview of public engagement during public hearings. It is not legal advice, or a complete reflection of applicable regulations and laws as they relate to the aquaculture program and administrative procedures.

*\*This applies only to standard lease applications.*

## FREQUENTLY ASKED QUESTIONS: AQUACULTURE LEASE HEARINGS

### HOW CAN I PARTICIPATE IN THE HEARING?

Members of the public can offer testimony and ask questions of witnesses during specified times during the proceeding. These times are outlined in the hearing agenda. Please note that there may be limits on the duration of testimony or questioning. Time limits help ensure that the process runs efficiently for all parties involved.

### WHAT IS THE DIFFERENCE BETWEEN TESTIMONY AND QUESTIONS?

In general, questions are an opportunity for you to ask parties for clarity, or to follow-up on statements someone provided as part of their testimony. It is not an opportunity to engage in arguments, or make general comments. Testimony is your opportunity to put your feedback on the record, under oath. Testimony should not be repetitious (i.e. one or more persons stating the same thing over and over). DMR may limit testimony that is repetitious. Whether to allow questioning of a witness by a member of the public who is not an intervenor is at the discretion of the hearing officer.

### DOES DMR CONSIDER PUBLIC SUPPORT OR OPPOSITION TO A PROPOSAL?

Testimony should relate to the decision criteria for granting a lease. DMR does not base lease decisions on general opposition or support of a proposal.

### WHAT IS AN INTERVENOR?

Intervenors are individuals, entities, etc. that applied to DMR to become a party to the proceeding. Based on their application, DMR found that they met certain criteria specified in rule and law to be granted some form of intervenor status. In general, intervenors may provide testimony, present witnesses, and comment on draft decisions-although this is not always the case. Not all lease hearings include intervenor(s).

### WHAT HAPPENS AFTER A HEARING?

In general, the record closes and the hearings officer evaluates the evidence and writes a report. The report includes the findings of fact, conclusions of law, and proposed decision. Copies of the report are provided to the applicant and intervenors (if applicable). The parties can file responses and exceptions to the proposed decision. The report goes to the commissioner with the parties' responses and exceptions. The commissioner makes his own decision on the proposal in consideration of the evidentiary record, applicable laws and regulations. The commissioner may grant the lease if it meets the criteria, establish conditions on the lease, or deny the lease. When the commissioner signs the decision, it constitutes the "final agency action" for the purposes of taking an appeal to superior court.

For more information about Maine's aquaculture leasing program please visit: <https://www.maine.gov/dmr/aquaculture/index.html>