

MAINE DEPARTMENT OF MARINE RESOURCES

Conduct of Aquaculture Lease Hearings

This is an adjudicatory hearing, in which legal rights and responsibilities will be determined. It differs from most other public hearings in several ways:

- The hearing will be recorded.
- All witnesses who testify, including members of the general public, must swear to tell the truth and must be available to answer questions.
- Evidence must be relevant to the subject matter of the hearing and be of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- Any objections to rulings of the hearing officer must be timely stated during the hearing.
- Members of the public are welcome to participate by asking questions of witnesses or by presenting testimony.

Testimony is normally taken from witnesses in the following order*:

1. Applicant and applicant's witnesses
2. DMR staff biologist presents site review report
3. Any federal, state, or local agencies, including town officials
4. Intervenors supporting the application, then those opposing
5. Members of the public

**The hearing officer can alter this order for good cause.*

After testifying, witnesses are questioned in the following order:

1. DMR staff
2. Applicant
3. Federal, state, or local agencies
4. Intervenors
5. Members of the public

Public Examination of Evidence: All exhibits, documents, and other materials presented at the hearing are available for public examination during the hearing. Evidence can also be made available for public examination at DMR offices by appointment; contact the hearing officer for details.

Criteria for Issuing Aquaculture Leases

At this hearing, the Department will receive evidence relating to the legal criteria upon which it must base its decision whether to grant the lease. The criteria for granting a STANDARD aquaculture lease are that the lease must not unreasonably interfere with:

- The ingress and egress of riparian owners;
- Navigation;
- Fishing or other uses of the area;
- The ability of the site and surrounding areas to support ecologically significant flora and fauna; or
- 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 applicant must demonstrate that there is an available source of organisms to be cultured for the lease site.
- **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.

**Starred criteria do not apply to EXPERIMENTAL lease applications.

FOR MORE INFORMATION ABOUT MAINE'S AQUACULTURE LEASING PROCESS:

The laws governing aquaculture in Maine and the rules governing how applications are reviewed and approved are available on the web at:
<http://www.maine.gov/dmr/aquaculture>.

Also available on the DMR website are: past decisions in lease cases, lists of leaseholders, maps of lease locations, and summaries of each lease, including charts, permitted species, and lease conditions, if any.

For more information about the aquaculture leasing process administered by the Department of Marine Resources, contact the Aquaculture Hearing Officer,
Tel. 207-624-6573, Amanda.Ellis@maine.gov