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## **Lease Application Processing FAQs**

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### **How does DMR review lease applications?**

When we receive an application, administrative staff make sure it is complete and includes payment. If the application is incomplete, staff communicate with the applicant about missing information or other corrections that are necessary. Once we have a complete application, we acknowledge receipt, and it enters the queue for review. Complete applications are reviewed in the order they are received. Staff strive to review applications within 30-40 days of receipt and will contact you when the review is complete.

The system we have developed is intended to provide fairness to all applicants and helps us manage application review in consideration of program workloads, which includes processing land-based licenses, LPAs, lease hearings, site reviews, site reports, etc.

### **How does DMR process lease applications?**

We process applications in order that proposals are deemed complete, not when they were initially received. Therefore, we encourage applicants to respond to requests for additional information in a timely manner.

### **My proposal was deemed complete, but I haven't received any updates. Does DMR provide application processing updates?**

At the time this document was last updated there were 192 applications in some phase of processing (pre-application through lease agreement). We are unable to provide each applicant with regular updates. Instead, we communicate processing milestones as an application moves through the process and as the law allows. For example, you'll receive an email when the application is deemed complete, when the site report is published, when a hearing is scheduled, etc.

It is not uncommon for several months to pass between each milestone. For example, it may take more than a year between the time an application is deemed complete, and a site report is published. Applicants are welcome to contact us for updates and we will let them know where the proposal is within the process, but we are unable to provide specific dates when next steps may occur.

### **How long does it take to process a lease?**

The length of time it takes to process a lease application depends on a variety of factors. For example, a standard lease application that requires a hearing is generally going to take longer to process than an experimental lease

application that doesn't because of the notice and procedural requirements associated with hearings. In addition, some cases that require a hearing may be very complex, including intervenors, and it may take additional time for the Department to review evidence and write a decision. We are currently holding hearings on proposals that were deemed complete in spring 2023. At this time, it may take up to three years to process new proposals that require a hearing from the date the application was deemed complete to the time a final decision is rendered. It may take up to two years to process new proposals that do not require a hearing from the date the application was deemed complete to the time a final decision is rendered.

### **Why does it take so long to get a lease?**

There are several factors that are currently impacting processing times, which are noted below. We are actively working on strategies to reduce processing times.

- **Staff capacity:** The volume of applications exceeds the capacity at which existing aquaculture staff can process them. While we aim to further increase staff capacity, other programs that we manage have also experienced growth including LPAs and land-based licenses.
- **Processing laws and rules:** Leasing is a public process, and each type of application includes an opportunity for public participation. This includes public comment periods, hearings, scoping sessions, etc. These participation opportunities are, in part, what makes the leasing process robust. However, it also means that there are "breaks" or pauses in our ability to advance an application while it is under public review or awaiting the next opportunity for public input.
- **Impacts from the pandemic:** From March-September 2020, we were unable to hold any lease hearings. When hearings did resume, they were held on a limited basis as we navigated fully remote and then hybrid formats.

The good news is that staff vacancies have been filled, hearings have fully resumed, and we have implemented many new efficiencies across the Aquaculture Division.

### **Can DMR tell me the likelihood of approval?**

No. Aquaculture leasing is a quasi-judicial public process, and we cannot speculate or guarantee decision outcomes. A final lease decision will be based on the applicable evidence in the record and associated decision criteria. A final decision may deny the original request, grant it with limitations, or grant it as originally applied for based on the record and associated decision criteria. Applying for a lease does not mean the site will be granted or that it will be granted as applied for.

### **What can I do to help decrease my processing time?**

Aquaculture is a growing sector of Maine's economy, and many people are trying to enter the field or expand existing operations. Sometimes people use the leasing process as an opportunity to vet an idea instead of investing time in developing a substantive proposal that reflects community feedback, operational feasibility, technical expertise, etc. This often leads to applicants either withdrawing proposals or not being able to meet

processing deadlines. DMR and other stakeholders invest time and resources into the review of these applications, so these cases can represent a significant loss of time and resources for everyone involved, including other applicants who have proposals in queue. Please be mindful of this as you submit proposal(s).

Know the [aquaculture laws and regulations](#)! Not following existing laws and regulations can result in denial of your application and retention of your fees.

Read the instructions companion document prior to filling out an application. Instructions documents are currently available for standard and experimental lease applications. The instructions provide clarifying information about the application questions and sample answers for reference. Instructions documents are posted under [Applications and Forms](#) with their corresponding application.