



# CONVERSION STANDARD AQUACULTURE LEASE APPLICATION INSTRUCTIONS

These instructions correspond to the Department of Marine Resources (DMR) application form to convert an existing non-discharge experimental lease to a non-discharge standard lease. This form and the associated application process can only be used if you are not making any changes to what was permitted as part of the experimental lease. This application must be submitted after the pre-application meeting and at least 30 days prior to the date the experimental lease expires. Applications not received by the deadline may result in termination of the experimental lease. This application form requires you to provide preliminary information about your existing lease operations and other supporting documents and is used to help inform the scoping session.

This document provides instructions for each application question and provides example answers for reference. Application questions are reflective of what is required to be asked of applicants pursuant to statute and rule. To read full text of Maine's aquaculture laws and regulations please visit:

<https://www.maine.gov/dmr/aquaculture/laws-and-regulations>

## **Before you get started:**

- Review the application before you start filling it out. This will give you a sense of the questions asked and what resources you'll need to answer them.
- DMR evaluates lease applications, so we do not provide guidance concerning site selection or otherwise provide technical assistance with completing an application. A local marine extension agent, industry group, or company may be able to provide you with assistance.
- If you have clarifying questions about these instructions or the leasing process, please contact the Aquaculture Division at the email or phone number listed below.

DMR Aquaculture Division: [DMRAquaculture@maine.gov](mailto:DMRAquaculture@maine.gov) or (207) 350-7815

## **Once you are ready to submit:**

- Label all maps, diagrams, and images according to the instructions.
- Make sure every page, including attachments are numbered.
- Make sure all attachments including permissions, if necessary are included.
- Follow payment and submission instructions provided with the application.

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## 1. APPLICANT INFORMATION

### A. CONTACT PERSON

<b>Legal Name of Applicant(s)</b>	This should be the same as the current holder(s) of the experimental lease.  <i>Example: Jane Smith or Oystah Farm, LLC</i>
<b>Contact Person</b>	Include first and last name for one person who will respond to all communications regarding the application.  <i>Example: Jane Smith</i>
<b>Email</b>	Include an email address that is regularly checked to reach the contact person. The email address you list here will be the primary means by which DMR will contact you. If you do not use email, please leave this blank. This also means that all correspondence concerning the application will be mailed, which limits the efficiency of communications concerning the review and processing of your proposal.  <i>Example: jane.smith2024@gmail.com</i>
<b>Telephone</b>	Include 10-digit phone number for the contact person.  <i>Example: 207-555-3330</i>

### B. MAILING ADDRESS

<b>Street Address</b>	Include the building number and street name or active PO Box number.  This address is where all mail including invoices will be sent if the lease is granted. Please make sure the address accepts mail and mail is checked regularly.  <i>Example: P.O. Box 45</i>
<b>City</b>	Include name of city or town.  <i>Example: Augusta</i>

<b>State</b>	Include name of state.  <i>Example: ME</i>
<b>Zip Code</b>	Include 5-digit zip code.  <i>Example: 04330</i>

**C. PHYSICAL ADDRESS**

Check box next to 'Same as mailing address' if the physical address is the same as mailing address and do not complete section 1(C).

<b>Street Address</b>	Include the building number and street name where the person or company is physically located.  <i>Example: 123 Main Street</i>
<b>City</b>	Include name of city or town.  <i>Example: Augusta</i>
<b>State</b>	Include name of state.  <i>Example: ME</i>
<b>Zip Code</b>	Include 5-digit zip code.  <i>Example: 04330</i>

**D. PAYMENT METHOD**

Check one box for the payment method you are using to pay the application fee.

*Example:*

<input checked="" type="checkbox"/> <i>Check</i> <input type="checkbox"/> <i>Credit Card</i>
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**E. APPLICATION TYPE**

Check one box for the application type you are submitting. If you have held a pre-application meeting, but not held a scoping session, check draft application. If you have held a scoping session, check final application.

*Example:*

<input checked="" type="checkbox"/> <i>Draft Application</i> <input type="checkbox"/> <i>Final Application</i>
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**F. PRE-APPLICATION MEETING**

Date the meeting was held: Include the month, day, and year.

*Example:*

<b>Date meeting was held</b>	<i>6/8/2024</i>
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**G. SCOPING SESSION**

For Final Applications only. Date the scoping session was held: Include the month, day, and year.

*Example:*

<b>Date scoping session held</b>	<i>10/8/2024</i>
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**2. PROPOSAL INFORMATION**

**A. LEASE INFORMATION**

<b>Experimental Lease Site ID</b>	<p>Include the experimental lease site ID assigned by DMR.</p> <p><i>Example: DAM ABx</i></p>
<b>Town where site is located</b>	<p>Include name of town where the site is located.</p> <p><i>Example: Brunswick</i></p>
<b>Lease Term Requested</b>	<p>Include the lease term you are requesting. Please provide answer in years. A maximum lease term of 20 years may be requested.</p> <p><i>Example: 20 years</i></p>

**B. INTERTIDAL**

Select "Yes" if any portion of the proposed site is above low water. Select "No" if the entire proposed site is below mean low water.

NOTE: If you checked "Yes" you will need to complete section 6(B) of this application. You will also need to make sure that you have all authorizations prior to submitting the application.

Example:

Is any portion of the proposed lease site above mean low water?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**3. WATER QUALITY**

**A. GROWING AREA CLASSIFICATION**

This section asks you to state the growing area and the respective classification where your proposed site would be located.

DMR's Bureau of Public Health and Aquaculture works to keep molluscan shellfish safe for human consumption by making sure that a common set of standards are used to classify shellfish growing areas. Each commercially harvested growing area is assigned a "classification" according to the results of its water quality survey. A growing area may be classified as Approved, Conditionally Approved, Restricted, Conditionally Restricted, or Prohibited. Once classified, all shellfish growing areas are regularly monitored. The purpose of continued water sampling and shoreline surveys is to ensure that growing areas continue to meet the standards associated with their classification and to modify classifications when needed.

To find the growing area and classification for your proposed site, please use the [Shellfish Closure Web Map](#).

**Please note** that Public Health Water Classifications depicted on the map are updated on the 1st of every month, but changes in closures may occur on a daily basis. Please consult the following page for the most up to date information [Maine Growing Area Closures: Shellfish Area Inventory with Legal Notices and Maps](#).

If you are proposing to grow molluscan shellfish in waters classified as anything other than open/approved, you must contact: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

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.

Example:

<b>Growing Area Designation</b>	<i>WA</i>
<b>Growing Area Classification</b>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Restricted <input type="checkbox"/> Conditionally Restricted <input type="checkbox"/> Prohibited

## B. BIRD DETERRENTS

Gear can attract roosting birds, which defecate. A buildup of feces may create a pollution source impacting shellfish held within the gear. 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.

Examples of mitigation or deterrent measures include:

- Submerging suspended gear and associated product at least 3 feet below the surface of the water for two weeks before harvest.
- Attaching physical deterrents 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 at least 3 feet below the surface of the water.

Example:

<b>Use the space below to list your mitigation or deterrent measures</b>
<i>Gear would always be suspended at least 4 feet below the surface of the water.</i>

**NOTE:** In addition to floating gear attracting birds, water and air temperatures can quickly increase from June - October. These factors can combine to create optimal conditions for harmful bacteria to develop in shellfish, which can lead to serious illness in consumers. It may also result in shellfish sites being closed to harvest while illnesses are investigated.

In consideration of these factors, DMR highly recommends that applicants proposing to culture shellfish in gear that may be regularly deployed at the water's surface at any time during June - October also propose the option to submerge the gear as necessary throughout the entire year. Otherwise, if the lease is granted and submerging throughout the year is not presented as an option, it may limit the holder's ability to proactively avoid this possibility.

## 4. OPERATIONS

### A. OTHER AQUACULTURE SITES

Complete the tables based on your knowledge of other aquaculture uses in the area of your proposed site. Limited Purpose Aquaculture (LPAs) licenses are not the same as leases! Make sure you are referencing the correct site in each section and providing the site ID. This information can be found on DMR's aquaculture web map. Do not include the experimental site applying to be converted (identified in section 2) under Experimental Aquaculture Leases.

*Example:*

#### 1. Limited-Purpose Aquaculture (LPA) License(s)

<b>Are there any LPA licenses within the boundaries of the proposed site?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, provide the LPA site ID(s) (e.g. ABCD121)	
<b>Are there any LPA sites within 1,000 feet of the boundaries of the proposed site?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the LPA site ID(s)	<i>DEFG121, DEFG221, DEFG321, DEFG421</i>

#### 2. Experimental Aquaculture Lease(s)

<b>Is there any other experimental lease within 1,000 feet of the boundaries of the proposed site?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, provide the experimental lease site ID	

#### 3. Standard Aquaculture Lease(s)

<b>Is there a standard lease within 1,000 feet of the boundaries of the proposed site?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, provide the standard lease site ID	

### B. TECHNICAL CAPABILITY

Please answer these questions as evidence of technical expertise and capability to accomplish the proposed project.

*Example:*

<b>Do you or any other applicant hold existing aquaculture sites?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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If yes, please complete the table below for each aquaculture site held. Please attach additional entries as necessary.			
Name of Holder	Type of Site	Site ID	Acreage (if a lease) Do not provide a size for LPA sites.
Jane Smith	<input type="checkbox"/> Experimental <input type="checkbox"/> Standard <input checked="" type="checkbox"/> LPA	JSM1123	
<b>List your skills and experiences working on the water:</b>			
Operated this experimental lease site for 3+ years and I am requesting that it be converted to a standard lease. I am also a commercial lobstermen with over 25 years of experience operating boats and working on Maine's waterfront.			

### C. COMPLIANCE HISTORY

Answer these questions to identify if you have been convicted of or adjudicated to be responsible for any violation of marine resources or environmental protection law, whether state or federal.

Example:

Have you been convicted of violating any state or federal marine resource laws?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have you been adjudicated to be responsible for violating any state or federal marine resource laws?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### D. FINANCIAL ESTIMATES

Answer these questions to provide detailed cost estimates of the planned aquaculture activities. These are reflective of costs at the time the application is initially submitted. Projections over the course of the requested term of the lease are not required nor is a breakdown of each type of expense.

**Annual lease rent:** If a lease is granted, the holder is responsible for paying the state annual rent. The cost is \$100 per acre. To calculate annual lease rent, multiply the requested lease acreage by \$100.

**Annual DMR licensing fee(s):** If a lease is granted, it only authorizes the culture of marine organisms using the approved culture techniques. Therefore, you may need other licenses to conduct other activities. For example, if you remove, possess, transport or sell organisms grown on the site you need an aquaculture harvest license (see 12 M.R.S.A. §6810-B). The cost of the aquaculture harvest license is \$133.00, and it must be renewed each year.

**Annual cost of bond or commitment amount for the escrow agreement:** If the lease is granted, you will need to either secure a bond or open an escrow account. Regulation specifies the bond or escrow amount based on the culture technique and size of the lease.

You do not need to obtain coverage or open an account now. However, for purposes of this application, your cost estimates need to include either the annual estimated cost of the bond or list the full escrow

amount. Bonds are administered by insurance companies, so you should call an insurer to get an estimate of premium costs based the bonding amount. Escrow involves having a third party (i.e. bank) hold the required amount of money in an account. An agreement is signed between DMR, the lease holder and bank stipulating the terms of disbursement and management.

A bond usually results in the holder paying an annual fee to an insurance company whereas escrow involves depositing money into an account upfront which generally cannot be accessed over the course of the lease.

Culture Technique	Size of Lease	Bond or Escrow Amount
Bottom only (no gear)	Any size	\$500
Gear	400 square feet or less	\$1,500
Gear	Greater than 400 square feet	\$5,000

**Annual equipment costs:** An estimate of what it would cost to purchase any gear or equipment proposed. If no gear is proposed to be used, or you already purchased the gear as part of the previous operations the site would still need to be marked in accordance with regulation. In addition, standard leases are subject to visual impact rules so you may need to change the color of existing interior buoys or equipment to meet those rules if the lease is granted.

**Annual maintenance costs:** An estimate of what it would cost to maintain any gear or equipment proposed including replacing cages, buoys, longlines, etc. as necessary. If no gear is proposed to be used, the site would still need to be marked in accordance with regulation.

Applicants must also submit a letter from a financial institution confirming the applicant has an account in good standing (see Section 6(A) for more details).

*Example(s):*

Use the space below to provide requested cost estimates of the planned aquaculture activities, if approved, as they relate to this proposal.	
<b>Annual Lease Rent</b> (\$100/acre)	\$320
<b>Annual DMR Licensing Fees</b> (including the cost of the aquaculture harvester license)	\$133
<b>Annual cost to maintain the bond or commitment amount for the escrow account</b>	<i>I intend to secure a bond, which is \$200 per year. I intend to open an escrow account, which is \$5,000.</i>
<b>Annual Equipment Costs</b>	<i>I already own all the equipment but estimate spending \$1,000 to upgrade interior buoys to meet standard lease requirements.</i>
<b>Annual Maintenance Costs</b>	\$2,000

## 5. RIPARIAN LANDOWNER NOTIFICATION

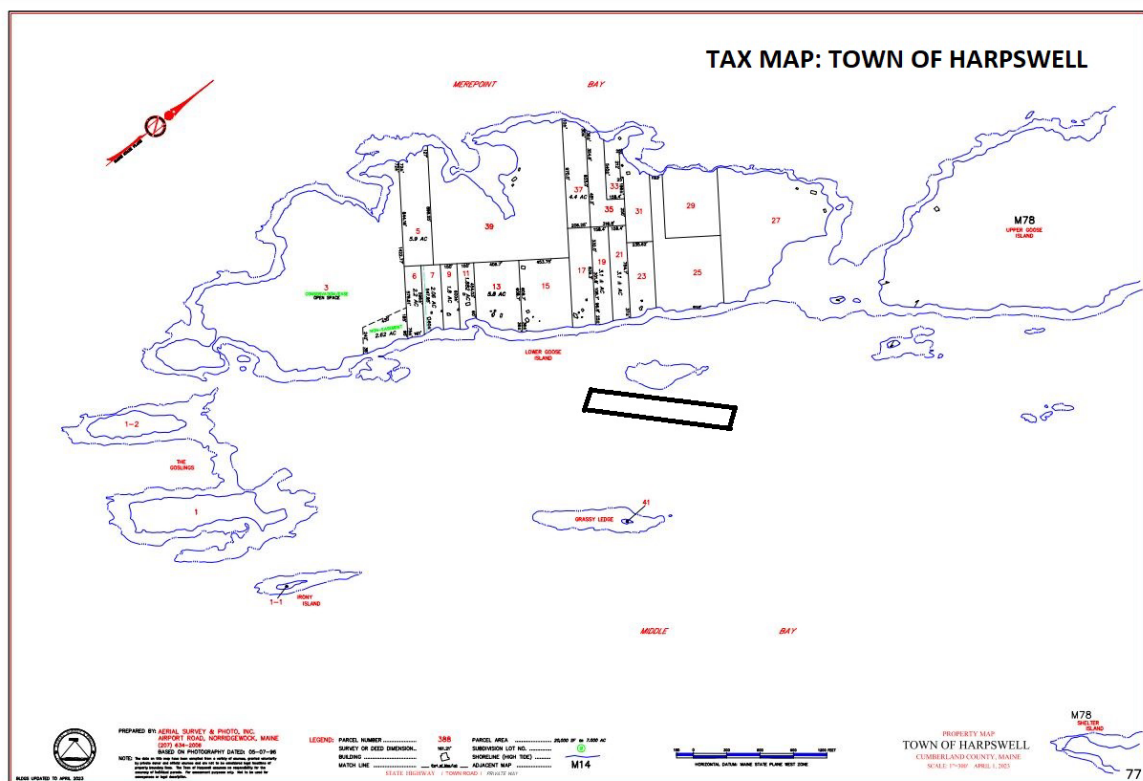
Please review the riparian landowner notification and mapping policy document accessible at the link below which explains DMR's mapping policy. Applicants are responsible for identifying all parcels that require notice. Failure to comply with this policy will result in processing delays.

<https://www.maine.gov/dmr/aquaculture/resources-for-growers>

If the proposal is within 1,000 feet of shorefront land, please submit the following:

- Include a completed riparian landowner list. If the site is in more than one municipality, you need to submit separate lists for each town/city.
- Make sure the list is certified by the municipality. The person certifying the list on behalf of the municipality should review the tax records and is typically the town clerk, tax assessor, or other individual familiar with these records.
- Include a labeled tax map that displays the: town name, parcels numbered clearly, legible scale, and boundaries of the proposed lease site.

*Example:*



## 6. OTHER ATTACHMENTS

### A. FINANCIAL INSTITUTION LETTERS

In accordance with regulation, you must include a letter from a financial institution indicating you have an account in good standing. If there are multiple applicants, they each submit letters.

### B. INTERTIDAL SITES

If any portion of the proposed site is above mean low water, you need to provide the following under 1) and 2):

#### 1. Landowner Written Permission

All upland owners whose intertidal lands will be used for aquaculture need to give the applicant written permission to use intertidal lands. You need to submit this written permission with your application. DMR will not accept the application without the required permission.

The written permission must include the following:

- The map and lot number of the parcel to which the permission applies, which needs to match what is listed on the riparian landowner list.
- The letter must include the names(s) of the landowner(s). If the parcel is held by multiple people, each individual needs to provide permission. It can be included in the same letter, but it needs to be clear that all owners of the parcel consent.
- The letter must clearly state that the parcel owner is giving the applicant(s) permission to use their intertidal lands for the proposed aquaculture activities. General letters of support from the parcel owner do not satisfy this requirement.
- If the intertidal land is owned by the applicant(s) then an 'Applicant Statement' must be included with the submission. The submission needs to include the map and lot number of the parcel owned.

**NOTE:** If you are unable to obtain written permission, then the lease application cannot be entertained by default. You will need to modify the boundaries of the site, so it does not encompass the respective intertidal area.

*Examples of acceptable written permission:*

ONE OWNER:

*I, Joe Smith, owner of parcel 10, map 8, give permission to [name of lease applicant(s)] to use my intertidal land for the proposed aquaculture activities.*

**MULTIPLE OWNERS OF THE SAME PARCEL:**

*We, Joe Smith and John Smith, owners of parcel 10, map 8, give permission to [name of lease applicant(s)] to use our intertidal land for the proposed aquaculture activities.*

**APPLICANT STATEMENT:**

*I [list your name] own parcel 10, map 8, and as a listed lease applicant or affiliate of the company applying for the lease will be using my intertidal land for the proposed aquaculture activities.*

**2. Municipal Permission**

All municipalities whose intertidal lands will be used for aquaculture AND have a shellfish conservation program need to consent to use of intertidal lands. You need to submit this documentation with your application. DMR will not accept the application without the required permission.

<b>Does the municipality have a shellfish conservation program in accordance with 12 M.R.S.A. section 6671?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If you selected “no” then part 2) is not required.

If you selected “yes” then you also need to submit the following with your application:

The **municipal officials** need to consent to using the intertidal area. Consent means that a majority of the municipal officials voted to grant permission to use the intertidal area. The vote needs to occur during a public meeting.

**NOTE:** If you are unable to obtain this permission, then the lease application cannot be entertained by default. You will need to modify the boundaries of the site, so it does not encompass the respective intertidal area.

After the meeting, you will need to submit one of the following:

A copy of the final meeting minutes that includes the text of the motion and the results of the vote, which demonstrates that a majority of municipal officials gave consent to the applicant(s) to use the intertidal area. Draft copies of meeting minutes will not be accepted.

**OR**

A letter from the municipality that summarizes the meeting when the vote was taken. The letter needs to include:

- The date of the meeting.
- Text of the motion.
- The vote of each municipal official (they need to be individually named).
- Name and signature of the individual submitting the letter on behalf of the town.

## **7. ACKNOWLEDGEMENT AND SIGNATURE PAGE**

Every listed applicant needs to complete and include a copy of this form with the submission. If the applicant is a company, this needs to be completed and signed by a person authorized to make such certifications and submissions on behalf of the company.

Please read and check each box confirming understanding, then sign and date the application.