



## **AQUACULTURE LEASE EXPANSION** **APPLICATION**



This is an application for an aquaculture lease expansion. You are encouraged to review the aquaculture lease expansion laws and regulations to obtain a complete understanding of the aquaculture lease expansion procedure. Laws and regulations are available at the Maine Department of Marine Resources (DMR) website: [www.maine.gov/dmr/aquaculture](http://www.maine.gov/dmr/aquaculture)

This is a joint application to be used by the DMR and the U.S. Army Corps of Engineers (USACOE). **Written authorization from both agencies is required before aquaculture activities may be conducted within the expansion area.** Information regarding the USACOE permit is available at:

[http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/ME/Maine\\_General\\_Permit\\_2015.pdf](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/ME/Maine_General_Permit_2015.pdf)

### **Fee:**

The Maine Department of Marine Resources requires a **non-refundable** fee for aquaculture lease expansion applications. The lease expansion application fee for a **non-discharge lease is \$500** and the fee for a **discharge lease is \$2000.**

### **Mailing Instructions:**

Provide one copy of your application to DMR at the appropriate address listed below. DMR will notify the applicant once the application has been received.

If sending via U.S. Post Office:	If sending via email:	If sending by FedEx, UPS or other overnight service (except the U.S. Post Office):
DEPARTMENT OF MARINE RESOURCES ATTN: Aquaculture Division 21 State House Station Augusta, Maine 04333-0021	<a href="mailto:DMRAquaculture@maine.gov">DMRAquaculture@maine.gov</a>	DEPARTMENT OF MARINE RESOURCES ATTN: Aquaculture Division 32 Blossom Lane Augusta, Maine 04333

Provide one copy of your application to the USACOE address listed below.

U.S. ARMY CORPS OF ENGINEERS  
MAINE PROJECT OFFICE  
442 Civic Center Drive, Suite 350  
Augusta, Maine 04330

## APPLICATION INSTRUCTIONS

Before submitting your application make sure you have answered all questions and included all of the necessary documentation. *Failure to do so may result in significant delays in processing.*

### General suggestions for completing expansion lease applications:

- Answer all questions clearly and in detail.
- If a question does not pertain to your proposed operations, please write “**not applicable**” or “**N/A.**” *Leaving questions blank will result in processing delays.*
- If you have questions about the application or lease expansion process, please contact DMR at (207) 350-7815.
- Please label all maps, diagrams, and images according to the instructions provided.

## LEASE EXPANSION APPLICATION

### 1. APPLICANT CONTACT INFORMATION

Acronym of Lease Proposed for Expansion	
Applicant	
Contact Person	
Address	
City	
State, Zip	
County	
Telephone	
Email	

**Note:** If applicant is a corporation or a partnership, please complete the “Corporate Applicant Information Document” available at: <http://www.maine.gov/dmr/aquaculture/forms/experimental.html>

### 2. PROPOSED LEASE SITE INFORMATION

Acreage of Existing Lease	
Is this a multi-tract lease site?	<input type="checkbox"/> Yes <input type="checkbox"/> No If “yes” please list which tract(s) you are proposing to expand: _____ <b>Note:</b> In accordance with regulation, the proposed expansion must be proportional to each tract.
Acreage of proposed expansion (up to 25% of existing lease or 4 acres, whichever is less)	
Town	
County	
Waterbody	
Type of Culture Proposed for Expansion	<input type="checkbox"/> Bottom (no gear) <input type="checkbox"/> Suspended (gear in the water and/or on the bottom)
Would your proposed expansion discharge anything into the water such as feed or additives?	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>Note:</b> If you checked yes, you will need to contact the Maine Department of Environmental Protection (DEP) Wastewater Licensing Program ( <a href="mailto:Gregg.wood@maine.gov">Gregg.wood@maine.gov</a> , 207-287-7693). Further sampling may be required by DMR, or DEP, depending on the characteristics of the site or the proposed activities.

Is any portion of the proposed expansion above mean low water?	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>Note:</b> If you selected yes, please complete the permission requirements included in section “Landowner/Municipal Permission Requirements”.
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### 3. GROWING AREA DESIGNATION

**Directions:** Information for growing area designations can be found here:

<https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>

Growing Area Designation (e.g. WL):	
Growing Area Section (e.g. “A1”):	

**Note:** If you are proposing to grow molluscan shellfish in waters classified as anything other than open/approved, you will need to contact the Bureau of Public Health to discuss your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

### 4. SPECIES INFORMATION

**A.** Please complete the table below and add additional rows as needed.

Name of species to be cultivated (include both common and scientific names):	Name and address of the source of seed stock or juveniles	Maximum number (or biomass) of organisms you anticipate on the site at any given time
1.		
2.		
3.		
4.		
5.		

**B.** Do you intend to possess, transport, or sell whole or roe-on scallops? ☐ Yes    ☐ No

If you answered “yes” please contact the Bureau of Public Health to discuss your plans at the following email: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

**Note:** 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. If you wish to submit an operational plan separate from this application, please contact: [DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

## 5. VICINITY MAP

**Directions:** Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the existing lease site and proposed expansion. **Note:** Please label as: ‘Vicinity Map’.

The map needs to display the following:

- The waters, shore lands, and lines of mean high and mean low water within the general area of the lease
- An arrow indicating true north
- A scale bar
- The existing lease boundaries
- The proposed expansion

## 6. BOUNDARY DRAWING

**Directions:** Depict the boundaries of the existing lease site and proposed expansion. Label all corners, directions, and distances. **Note:** Please label as: ‘Boundary Drawing’.

## 7. COORDINATE DESCRIPTION

**Directions:** Provide geographic coordinates in decimal degrees for each corner of your expanded lease proposal. If you use a datum other than WGS84 or NAD83 for your expanded coordinates, please include the datum used. **Note:** Please label as: ‘Expanded Coordinates’.

## 8. SITE DEVELOPMENT

**Directions:** If your operations require the use of cages, nets, ropes, trays, or any object (structure) other than the organism to be grown directly on the bottom or buoys to mark the corners of the lease site, you must submit gear drawings and maximum structure schematics (information below). This section is intended to provide accurate plans depicting the physical structures to be placed in the proposed area. All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in). If you are proposing a bottom lease (no gear), please skip this section.

**Note:** You may embed the schematics within the document, or attach them to the end of your application. If you attach the schematics, please label them according to the instructions provided below.

### A. Maximum Structure and Mooring System Schematic

**Directions:** Include drawings of your **maximum gear layout**. Include units referenced (i.e. 10in, 10ft, etc.).

1. Overhead View. Please include the following and label as “Overhead View”:
  - Maximum layout of gear on entirety of expanded site, including moorings.
  - Length and width of project.
  - Approximate spacing between gear.
  - Proposed expansion boundaries and the location of proposed corner markers and any additional gear markers that would be present.
2. Cross Section View: Please include the following and label as “Cross-Section View”:
  - Profile of gear cross-section as it will be deployed in the proposed expansion
  - The sea bottom
  - Label gear with dimensions and materials
  - Show mooring gear with mooring type, scope, hardware, and line type and size
  - Depths from structure(s) to sea-floor relative to mean low water and mean high water (if applicable).

**Note:** Please include an additional Cross-Section View, depicting the elements listed above, if there will be seasonal changes to the proposed gear type(s) (i.e. overwintering).

### B. Gear Information

**Directions:** Please include a drawing of an individual piece of gear for each gear type you plan to use on your proposed expansion.

1. Gear Drawing: Please include the following for each gear type (e.g. Polar circles, marine algae longline, oyster cages) to be used and label as “New Gear Drawing”. This view must show the following:
  - Length, width, and height of each gear type.
  - Color of proposed gear.

C. On-Site Support Structures

1. Describe structures such as barges, sheds, etc., to be located on the proposed expansion. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc.

2. Describe the storage and use of oil, gasoline or other hazardous material on this expansion. If you did not provide a spill prevention plan in your initial application, please do so here.

**Note:** If a lease expansion is granted, you will also be required to mark the site in accordance with appropriate US Coast Guard Regulations. If you have questions about US Coast Guard regulations contact: 1<sup>st</sup> Coast Guard District, Aids to Navigation Office (617-223-3293).

**9. PRODUCTION ACTIVITIES**

**Directions:** If you are cultivating more than one species, you will need to provide information for each species. Please attach additional pages if needed.

<b>A.</b> Please describe your current operations (seeding, harvesting, tending, maintenance, etc.) within the boundaries of the existing lease area.
<b>B.</b> Please describe how the proposed expansion would affect your current operations (seeding, harvesting, tending, maintenance, etc.).
<b>C.</b> Please describe how the proposed expansion aligns with your operational plans for the duration of the remaining lease term.



**D.** Suspended culture gear can attract birds that roost on the gear and defecate, potentially creating a pollution source impacting shellfish held within the gear. In order to comply with the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), and if your expansion would include 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. If appropriate, include sketches or photos that clearly depict those measures put into practice.

Examples may include:

- Submerging suspended gear and associated product at a depth sufficient to deter roosting for two weeks before harvest
- Attaching physical deterrents (i.e. zip ties) 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 below the surface of the water at a depth sufficient to deter roosting (i.e. as is common for scallop lantern nets)

## 10. NOISE AND LIGHT

**A.** Please describe how the proposed expansion activities would affect the noise and light emitted from your current lease.

## 11. ENVIRONMENTAL CHARACTERIZATION

**Directions:** Using your knowledge of the area, describe the environment of the proposed expansion. Be sure to include units of measurement in your answers (i.e. feet, cm/s).

**A.** What are the approximate depths at mean low water within the proposed expansion?

**B.** What are the approximate depths at mean high water within the proposed expansion?

**C.** What are the bottom characteristics within the proposed expansion (mud, sand, gravel, rock, ledge or some mix, etc.)?

**D.** Describe the bottom topography (flat, steep rough, etc.).

**E.** Describe marine organisms within the expansion by species or common names. Based on your personal observations or other sources of information, are these species abundant, common, or rare?

**F.** Describe the presence and extent of submerged aquatic vegetation, i.e. eelgrass, within the proposed lease area. Please include the date of this observation along with the method of observation. If submerged aquatic vegetation is observed, please also describe the abundance below and sketch the limits of the beds in the vicinity map.

**G.** Is your proposed lease located within a Maine Department of Inland Fisheries and Wildlife designated Essential Habitat?

☐ Yes ☐ No

## **12. EXISTING USES**

**A.** Describe the existing uses of the proposed expansion (i.e. fishing, sailing, etc.).

**B.** Describe any effects your proposed expansion might have on existing uses of the area.

### 13. RIPARIAN LANDOWNERS AND SITE ACCESS

Is your existing lease or proposed expansion within 1,000ft of shorefront land (which extends to mean low water or 1,650 ft. from shore, whichever is less)?

☐ Yes    ☐ No

If yes, the following supporting documents are required:

**A. Tax Map.**

A labeled copy of the appropriate tax map(s) depicting the location of the proposed lease site. The map(s) needs to include the following elements:

- Label the map “Tax Map: Town of (name of town).”
- Legible scale
- Tax lot numbers clearly displayed
- The boundaries of the existing lease and proposed expansion

**B. Riparian List.**

Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000 feet of your existing lease and/or the proposed expansion. Have the tax collector or clerk of the municipality certify the riparian list.

**C. Intertidal Land.**

Is any portion of the proposed lease site above mean low water?

☐ Yes    ☐ No

**Note:** If you selected yes, please complete the permission requirements included in section “Landowner/Municipal Permission Requirements”.

## RIPARIAN LANDOWNER LIST

*\*THIS LIST MUST BE **CERTIFIED**\**

On this list, please show the current landowners' names and mailing addresses as listed in the municipal tax records for all riparian shorefront parcels within 1,000 feet of the proposed expanded lease site along with the map and lot number for each parcel. **It is the applicant's responsibility to assemble the information for the Town Clerk to certify.** The Town Clerk only certifies that the information is correct according to the Town's records. Once you have completed the form, ask the Town Clerk to complete the certification section below. If the parcels are within more than one municipality, provide a separate, certified riparian list for each municipality.

**TOWN OF:** \_\_\_\_\_

MAP #	LOT #	Landowner name(s) and address(es)

**Please use additional sheets if necessary and attach hereto.**

### **CERTIFICATION**

I, \_\_\_\_\_, Town Clerk for the Town of \_\_\_\_\_ certify that the names and addresses of the property owners listed above, as well as the map and lot numbers, are those listed in the records of this municipality and are current as of this date.

**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

#### 14. ESCROW ACCOUNT OR PERFORMANCE BOND

Check the category that describes the entirety of your proposed expanded operation, including your original lease:

Check Here	Lease Category	Amount of Required Escrow or Performance Bond
	No gear/structure, no discharge	None
	No gear/structure, discharge	\$500.00
	≤ 400 square feet of gear/structure, no discharge	\$1,500.00
	>400 square feet of gear/structure, no discharge	\$5,000.00*
	Gear/Structure, discharge	\$25,000.00

\*DMR may increase the bond/escrow requirements for leases with more than 2,000 square feet of structure.

Will your proposed expansion alter your current lease category?

☐ Yes ☐ No

**Note:** If yes, your current escrow account or performance bond must be amended to reflect the revised amount if your proposed expansion is issued.

I, (printed name of applicant) \_\_\_\_\_ have read DMR Aquaculture Regulations 2.40(2)(A) and if this proposed expansion is granted by DMR I will amend my current escrow account or performance bond to reflect the amount determined by the lease category.

\_\_\_\_\_  
**Applicant Signature**

*Note: Add title if signing on behalf of a corporate applicant.*

\_\_\_\_\_  
**Date**

**ADDITIONAL APPLICANTS:** Each applicant must sign this section indicating that they will amend their escrow account or obtain a performance bond if necessary. Use the space below for additional persons listed on the application. You may attach additional pages, if necessary.

I, (printed name of applicant) \_\_\_\_\_ have read DMR Aquaculture Regulations 2.40(2)(A) and if this proposed expansion is granted by DMR I will amend my current escrow account or performance bond to reflect the amount determined by the lease category.

\_\_\_\_\_  
**Applicant Signature**

*Note: Add title if signing on behalf of a corporate applicant.*

\_\_\_\_\_  
**Date**

## 15. APPLICANT SIGNATURE PAGE

I hereby state that the information included in this application is true and correct. I have also read and understand the requirements of the Department's rules governing aquaculture and the application instructions pertaining to the aquaculture lease expansion process.

Printed name: \_\_\_\_\_

Title (*if corporate applicant*): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

### Note:

- All applicants must sign and date this page. Please use the space below, if additional signatures are required.
- Corporate applicants, please be sure to include the title (i.e. President, Treasurer, etc.) of the individual(s) signing on the company's behalf.

## ADDITIONAL APPLICANTS

Printed name: \_\_\_\_\_

Title (*if corporate applicant*): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 16. LANDOWNER/MUNCIPAL PERMISSION REQUIREMENTS (if applicable)

**Directions:** If any portion of the proposed expansion is intertidal you need to complete the steps outlined below.

### Step I: Obtain written permission from all intertidal landowners.

Pursuant to 2.10(3)(G) the Department requires *written permission of every owner of intertidal land in, on, or over which the expanded lease activity will occur*. It is your responsibility to obtain written permission and include it with your application materials. Please note that the Department does not provide forms for landowner permission.

### Step II: Determine if the municipality where your site is located has a shellfish conservation program.

Pursuant to 12 MRSA §6072(3) *In any municipality with a shellfish conservation program under section 6671, the Commissioner may not lease areas in the **intertidal zone** within the municipality without the consent of the municipal officers.*

If the municipality where the proposed lease site is located has a shellfish conservation program, it is your responsibility to obtain consent for the proposed expanded lease site from the municipal officers (i.e. the selectmen or councilors of the town, or the mayor and aldermen or councilors of a city.) Consent means a majority vote of the municipal officers as recorded in a public meeting.

It is your responsibility to contact the municipality and determine if they have a shellfish conservation program. Best practices would include discussing your plans with shellfish committee members, but only the consent of municipal officers is required.

1. Does the municipality, where the proposed site is located, have a shellfish conservation program? ☐ Yes ☐ No

**If you answered yes**, please attach documentation from a public meeting demonstrating that a majority of municipal officers have consented to your proposal.



## APPLICATION SUBMISSION CHECKLIST

**Please note:** This checklist is provided for the applicant's reference and does not need to be returned with the application.

### I. Content

\_\_\_\_\_ **Check** for non-refundable application fee (\$500.00 for non-discharge leases/\$2000 for discharge leases), payable to *Treasurer State of Maine*.

\_\_\_\_\_ **One (1) Vicinity map** with required items shown

\_\_\_\_\_ **One (1) Boundary drawing** with required items shown

\_\_\_\_\_ **One (1) Coordinate description** with required items shown

\_\_\_\_\_ **One (1) Gear drawing** for each new type of gear proposed

\_\_\_\_\_ **One (1) Overhead view** depicting layout of gear from overhead

\_\_\_\_\_ **One (1) Cross section view** depicting gear & moorings from the side for each gear configuration in the proposed expansion

\_\_\_\_\_ **Tax map(s)** (*if applicable*)

\_\_\_\_\_ **Riparian list**, certified (*if applicable*)

\_\_\_\_\_ **Corporate applicant information document** and articles of incorporation or documentation of partnership (*if applicable*)

**If any portion of the proposed lease expansion is above mean low water:**

\_\_\_\_\_ **Written permission** from all riparian landowners of the intertidal land on which the expansion is proposed.

\_\_\_\_\_ **Written consent** from the municipal officers (only required if the municipality has a shellfish conservation program).

### II. Formatting

\_\_\_\_\_ All pages (including attachments) are numbered sequentially.

\_\_\_\_\_ All attachments are clearly labeled and legible.

\_\_\_\_\_ Drawings and maps are legible, labeled properly, and include all required elements.

\_\_\_\_\_ All questions have been answered and signature pages signed.