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DEPARTMENT OF MARINE RESOURCES
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MUNICIPAL ENGAGEMENT IN AQUACULTURE LEASING

What is the difference between an experimental and standard lease?

An "experimental" lease (aka limited-purpose lease) permits the lease holder to culture authorized species on up to 4 acres for commercial or scientific purposes for up to 3 years. Experimental leases for commercial purposes cannot be renewed. A standard lease permits the lease holder to culture authorized species on up to 100 acres for up to 20 years. Once granted, standard leases may be renewed, transferred, amended, or expanded. Processing of lease applications scales up according to the type of lease. For example, all standard lease applications have a scoping session and a public hearing rather than a comment period.

When may a municipality provide feedback?

- The Department of Marine Resources (Department) has exclusive jurisdiction to lease coastal waters, but the process affords municipalities with many opportunities to participate in evaluating sites.
- Municipalities are directly notified via email to the town clerk of comment periods for experimental lease applications, standard lease renewal, standard lease transfer, standard lease amendment, and standard lease expansion applications. For standard leases, municipalities are notified at several processing milestones.
- Municipalities are directly notified via email to the town clerk of harbormaster questionnaire completion requests, and public hearings (if applicable). Direct email notification using the state GovDelivery system is sent out for all public hearings. Sign up to receive text or email Aquaculture notices at: <https://public.govdelivery.com/accounts/MEDMR/subscriber/new>
- Standard leases also have pre-application meetings and scoping sessions, which the municipality is invited to attend. Scoping sessions are the best opportunity for the municipality and citizens to discuss proposed leases with the applicant and to suggest possible changes that might be made to accommodate all user groups.
- For more detailed information about municipal participation in aquaculture leasing, please visit: <https://www.maine.gov/dmr/aquaculture/municipal-participation-in-aquaculture>

What does effective feedback look like?

Substantive comments and effective feedback on an application should:

- **Evaluate the specific site being proposed:** Review the application(s), which detail the proposed activities (proposed size, culture type, location, etc.).
- **Address legal decision criteria:** All leases are evaluated in accordance with criteria established in law/rule. These criteria include commercial fishing, navigation, and other water-related uses among others. The Department cannot consider other criteria not expressly listed in law/rule.

<i>There's too much aquaculture in our town, so this proposal should be denied.</i>	These statements are not tied to legal decision criteria, so they cannot be considered.
<i>The applicant doesn't live in our town.</i>	
<i>This proposal will negatively impact property values for local taxpayers.</i>	

- **Be as detailed as possible:** Support your points with evidence or examples as this helps us better understand your concerns. Evidence including maps, chart plotter, logs, or photographs are encouraged to support your comment or testimony.

Instead of general comments:	Consider more detailed comments with supporting information:
<i>Commercial fishing here</i>	<i>Commercial lobstering within the boundaries of the proposed site May-November. Approximately 15 traps within the boundaries of the proposed site.</i>
<i>Recreational boating in the area</i>	<i>Heavy recreational boat traffic in and around the proposed site, approximately 25 vessels a day ranging in size from small dingy to 40 ft sailboat.</i> Support comment with evidence like chart plotter or observation log.

The second statements give us a better understanding of when/where the activity occurs and the relative frequency. These details are very important.

- **Follow submission/participation instructions:** Please make sure comments are submitted in accordance with deadlines. If a hearing is scheduled, please follow participation instructions.

How will we know if our feedback has been received and used?

The Department acknowledges written receipt of each comment received. Sworn testimony provided at hearings is part of the record and becomes evidence for that case. The Department issues written decisions for all lease applications. In the decision, the Department will summarize and discuss comments and evidence that are relevant to evaluating the proposed site in consideration of applicable criteria. The Department notifies the municipality of the final decision.

Lease Decision Criteria

All lease decisions are evaluated against legal decision criteria. Leases are not granted if they do not meet all the decision criteria. For example, the Department will not issue leases that would unreasonably interfere with existing fisheries, but evidence needs be submitted about existing fisheries at the hearing. The legal criteria (12 M.R.S.A. §6072(7-A), §6072-B(13) and Chapter 2.37) for granting a standard or experimental aquaculture lease are that the lease must not unreasonably interfere with:

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

** Starred criteria apply only to **standard** lease applications.

If you have questions, please contact us at:

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