AQUACULTURE: LEASE TYPES & PUBLIC INPUT CRITERIA

DMR Website concerning public input states:

> "The most effective way to engage with the process is to provide feedback that is specific to applicable decision criteria."
>
> "DMR cannot consider other factors such as general support or opposition to a specific proposal, community sentiment toward aquaculture generally, or other factors unrelated to the criteria." This includes riparian owner's water views.

Limited-Purpose Aquaculture (LPA) Licenses:

An LPA cannot exceed 400 square feet in size, and they expire December 31st each year (the holder may apply to renew the license). LPAs are only issued to individuals. Riparian landowners whose property boundaries are within 300 feet of the LPA are notified by the applicant. No hearings are held during DMR review.

- The proposed activity generates no discharge into coastal waters;
- The gear, excluding mooring equipment, does not cover more than 400 square feet of area and the gear does not present an unreasonable impediment to safe navigation;
- The proposed activity does not unreasonably interfere with the ingress and egress of riparian owners;
- The proposed activity does not unreasonably interfere with fishing or other uses of the area, taking into consideration the number and density of aquaculture leases and licensed aquaculture activities in that area;
- The proposed location, species and activity do not present a risk to public health;

Experimental Leases:

These leases permit the lease holder up to 4 acres for commercial or scientific purposes. An experimental lease has a duration of 3 years. Experimental leases for commercial purposes cannot be renewed. Experimental leases for scientific purposes are renewable. DMR opens a 30-day public comment period after application is complete so interested persons can submit feedback on the proposed application or request a public hearing. The town where the proposed site would be located and riparian landowners within 1,000 ft of the site are notified by DMR.

The legal criteria [§6072-B(13)] for granting an experimental 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;
- Other aquaculture uses;
- 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.

Standard Leases:

A standard lease permits the lease holder up to 100 acres for up to 20 years. All standard lease applications have a public hearing. The **scoping session is first and** is an informal public meeting to get feedback on the proposed plans. These meetings are an opportunity for the public to learn about the proposed lease and ask questions of the applicant. Notice of a scoping session is on DMR's website, sent to the municipality, and riparian landowners listed in the draft application. Then a **hearing** will be scheduled after the final application has been deemed complete and the DMR site report has been published. The applicant also publishes notice of their scoping session in the local newspaper. Standard lease applications do not go through a public comment period. To provide feedback, you must register and attend the public hearing to provide testimony under oath.

The legal criteria [§6072(7-A) and Chapter 2.37] 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;
- Other aquaculture uses;
- Ability of the site and surrounding areas to support ecologically significant flora and fauna; or
- 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.

Experimental Lease to Standard Lease Conversion Pathway:

Description: Only applicable (existing experimental site to a standard lease) if no changes to the experimental lease site are proposed [§6072(12-D)]. If any changes are proposed, then the existing experimental holder must apply for a traditional standard lease.
Review: Conversion applicants must schedule a pre-application meeting prior to submitting the conversion draft application. After the draft application is deemed complete, a scoping session is held. The final conversion application is submitted after the scoping session. Once the final conversion application is deemed complete, a 30-day comment period is established. Site visits for conversion applications are at DMR's discretion.
Hearing: A public hearing on a lease conversion application is at DMR's discretion unless the requisite number of hearing requests are received during the comment period.

How to Submit Public Comments/Hearing Requests:

Proposals that have a comment period include applications for LPA licenses, experimental leases, standard lease renewals only, and transfer, amendment, or expansion requests. Hearing requests apply only to experimental applications and renewal applications. If you plan on providing feedback during a public comment period, please follow the guidance below:

- Make sure the comments are submitted in time to be received by the deadline listed in the respective notice.
- All LPA and lease applications are evaluated in accordance with **established criteria**, so for full consideration please address your feedback to the respective criteria.
- Please be as detailed as possible as this helps us better understand your concerns in consideration of the respective criteria.
- If you are requesting a hearing, please clearly state that (i.e., “I am requesting a public hearing on this proposal”).
- The Department will acknowledge receipt of comments and check to see if they include a hearing request (if applicable). However, the Department does not typically respond to the points made in comments.

Maine Department of Marine Resources
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PUBLIC INPUT TO MAINE DEPARTMENT OF MARINE RESOURCES
SUGGESTED TOPICS TO ADDRESS

1. Discharge into cost waters:

2. Ingress and egress of riparian owners:

3. Impact to fishing and other uses of the area:

4. Ability of the site to support ecologically significant flora and fauna:

5. Navigation for boats in the proposed area:

6. Public use or enjoyment within 1,000 feet of beaches, parks or docks owned by town, state or federal governments.