



EXPERIMENTAL AQUACULTURE LEASE APPLICATION



This is an application for an experimental aquaculture lease. You are encouraged to review the experimental lease regulations and application instructions to obtain a complete understanding of the experimental lease process. Regulations and the application instructions are available at the DMR website: www.maine.gov/dmr/aquaculture.

This is a joint application to be used by the Maine Department of Marine Resources (DMR) and the U.S. Army Corps of Engineers (USACE). **Written authorization from both agencies is required before aquaculture activities are conducted.** Information regarding the USACE is available at: <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/ME/2020-2025-MaineGeneralPermits.pdf>

Fee: The Maine Department of Marine Resources requires a **non-refundable** \$750 fee for experimental aquaculture lease applications.

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	DMRAquaculture@maine.gov	DEPARTMENT OF MARINE RESOURCES ATTN: Aquaculture Division 32 Blossom Lane Augusta, Maine 04330

Provide one copy of your application to the USACE address listed below or email to:

Cenae-r-me@usace.army.mil

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 the necessary documents. ***Failure to do so may result in significant delays in processing time.***

General suggestions for completing experimental 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 leasing process, please contact DMR at (207) 350-7815.
- Please label all maps, diagrams, and images according to the instructions provided.
- Please note pursuant to Chapter 2.64(5) regulations, an applicant may have no more than two pending experimental leases at any time. For purposes of this section, a pending experimental lease includes any application for an aquaculture lease filed by an entity in which the applicant has a legal interest (such as a partner in a partnership, a shareholder in a corporation, or a member in a limited liability company).
- Pursuant to Chapter 2.65(7), an experimental lease site must be one contiguous tract, unless it meets exceptions specified in rule.

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

_____ **Payment** for non-refundable application fee (\$750.00). Checks should be included with the application and payable to "Treasurer State of Maine". If paying via credit card, DMR staff will contact you with payment instructions once the application has been received. DO NOT include your credit card information with the application. *Note: your application will not be reviewed until payment has been received.*

_____ **One (1) Vicinity map** with required items shown

_____ **One (1) Boundary drawing** with required items shown

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

_____ **One (1) Cross section view** depicting gear & moorings from the side

_____ **Tax map**

_____ **Riparian list**, certified (*if applicable*)

_____ **Written permission** from riparian landowners, if their property will be used to access the site (*if applicable*).

_____ **Corporate applicant information document** and articles of incorporation or documentation of partnership (*if applicable*). This form is required and must be submitted if the applicant is a corporation or partnership (available at <https://www.maine.gov/dmr/aquaculture/forms/standard.html>).

If the proposed lease site is above mean low water:

_____ **Written permission** from all riparian landowners of the intertidal land on which the lease is proposed

_____ **Written consent** from the municipal officers (only required if the municipality has a shellfish conservation program per MRSA §6671).

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

EXPERIMENTAL LEASE APPLICATION

1. APPLICANT CONTACT INFORMATION

Applicant	
Contact Person	
Address	
City	
State, Zip	
County	
Telephone	
Email	
Payment Type	<input type="checkbox"/> Check (included) <input type="checkbox"/> Credit Card

Note: The email address you list here will be the primary means by which we will contact you. Please provide an email address checked regularly. If you do not use email, please leave this blank.

2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site	
Town	
Waterbody	
General Description (e.g. south of B Island)	
Lease Information	
Total acreage (4-acre maximum) and lease term (3-year maximum) requested	
Type of culture (check all that apply)	<input type="checkbox"/> Bottom (no gear) <input type="checkbox"/> Suspended (gear in the water and/or on the bottom) <input type="checkbox"/> Net Pen (finfish)
How many pending experimental lease applications (including this one) do you have pending?	<input type="checkbox"/> One (1) <input type="checkbox"/> Two (2) <i>Note: An applicant may have no more than two pending experimental leases at any time.</i>
Do you have a legal interest in any entity that has a pending experimental application?	<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" provide the name of the applicant(s): _____

Is any portion of the proposed lease site above mean low water?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>Note: If you selected "Yes", you need to complete the steps outlined in the section titled: "Landowner/Municipal Permission Requirements".</i>
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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

4. GENERAL LEASE INFORMATION

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

Name of species to be cultivated <i>(include both common and scientific names):</i>	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? <input type="checkbox"/> Yes <input type="checkbox"/> No

If you answered "Yes" please contact the Bureau of Public Health to discuss your plans at the following email: 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

5. VICINITY MAP

Note: If you attach the map, please label it: ‘Vicinity Map’.

Directions: Using a NOAA Chart or USGS topographic map, show the area within a minimum of one-half mile of the proposed lease site.

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 scalebar
- The approximate lease boundaries
- A 1,000 foot radius buffer around each corner

6. BOUNDARY DRAWING

Note: If you attach a drawing, please label it ‘Boundary Drawing’.

Directions: Depict the boundaries of the proposed lease site. Provide a drawing with all corners, directions, and distances labeled. Provide coordinates for each corner as follows:

- Coordinate Description
Provide geographic coordinates for each corner of the lease site in latitude and longitude in decimal degrees (e.g., 43.123456 N, -69.123456 W). Identify the datum from the map, chart, or GPS unit used to develop these coordinates. The datum will be shown on the map or chart you are using. The Coordinate Description may be provided separately from the Boundary Drawing.

7. RESEARCH PROGRAM AND OPERATIONS

Directions: If you are cultivating more than one species, you will need to provide the below information for each species. Please attach a separate page if needed.

A. Type of study (check one): Scientific Research Commercial Research

Please note:

a) Product grown on experimental leases for scientific research cannot be sold. Results of scientific research are not kept confidential.

b) Experimental leases for commercial research are not renewable. Results of commercial research are kept confidential.

B. What is the purpose of the study? If scientific, please include a detailed study design.

C. Describe the general culture process for each species proposed.

D. What months will the proposed activities (i.e. seeding, tending, and harvesting) occur?

E. How often will you be at the site during seeding and harvesting periods?

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F. How frequently will you visit/tend the site for routine maintenance (i.e. flipping cages, etc.)?

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G. Describe the harvesting techniques you will use. If you plan on using a drag, please provide the dimensions.

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H. Describe any overwintering or “off season” plans for the site. For example, will you remove gear from the site and/or deploy gear in different areas within the proposed site? Please include where gear or product will be located if moved from the site.

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I. What type of machinery (e.g. generator, drag, grading equipment, etc.) will you be using on the site? When and how often will the machinery be used?

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J. Please provide details on any predator control techniques you plan to employ.

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K. 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), 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. 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)

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8. EXISTING USES

Directions: Describe the existing uses of the proposed area. Please include the amount of activity, the time of year the activity occurs, frequency, and proximity to the lease site.

A. Describe the existing uses of the proposed area in questions A.1 through A.5 below. Please include the a) type b) time of year c) frequency, and d) proximity to the lease site for each existing use.
1. Commercial Fishing
2. Recreational Fishing
3. Boating Activities (please also include the distance to any navigable channel(s) from your proposed site at low water)
4. Ingress and egress (i.e. coming and going) of shorefront property owners within 1,000 feet of the proposal (e.g. docks, moorings, landing boats on shore, etc.)
5. Other uses (kayaking, swimming, etc.)
B. Are there private docks, moorings, or other access points within 1,000 feet of the proposed lease? If yes, please include approximate distance from proposed lease.

C. Are there public beaches, parks, or docking facilities within 1,000 feet of the proposed lease site. If yes, please describe and include approximate distances from proposed lease.

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D. Are there any Limited Purpose Aquaculture (LPA) licenses or aquaculture leases within 1,000 feet of your proposed lease site? If yes, please list their acronyms below.

Current and pending aquaculture leases and active LPA licenses may be found here:
<https://www.maine.gov/dmr/aquaculture/leases/index.html>

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9. CURRENT OPERATIONS

Directions: If a question does not pertain to your proposed operations, please write “not applicable” or “N/A.”

A. Describe your existing aquaculture operations, including the acronyms of all active leases and/or licenses.

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B. What are your plans for any existing leases and/or Limited Purposed Aquaculture (LPA) licenses if the lease is granted? Will any existing leases and/or Limited Purpose Aquaculture (LPA) licenses be relinquished if the lease is granted? If so, please indicate which ones.

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10. ENVIRONMENTAL CHARACTERIZATION

Directions: Using your knowledge of the area, describe the environment of the proposed lease site. 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?

B. What are the approximate depths at mean high water?

C. Provide the approximate current speed and direction during the ebb and flow.

D. The following questions (D.1 through D.6) may be answered in writing or by submitting a video. If you plan to submit a video, please contact the Department prior to video collection.
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1. What are the bottom characteristics (mud, sand, gravel, rock, ledge or some mix, etc.)?

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

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

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4. Are there shellfish beds or fish migration routes in the surrounding area? If so, please describe.

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5. 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.

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6. Describe the general shoreline and upland characteristics (rocky shoreline, forested, residential, etc.)

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

Yes No

Note: The location of Essential Habitats in the State of Maine, along with information on how projects within these areas are reviewed, can be found here: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/index.html>

If a project is located within an Essential Habitat, applicants are strongly encouraged to contact the MDIFW Environmental Review Coordinator (John.Perry@maine.gov, phone: 207-287-5254) prior to application submission.

F. Will your operations discharge anything into the water such as feed (pellets, kelp, etc.) or chemical additives (therapeutants, chemical treatments, etc.)?

Yes No

Note: If you answered yes, you must submit a video of the bottom using a method prescribed by the Department. **The video must be filmed between April 1 and November 15.** If a discharge is proposed you will also need to obtain a Maine Department of Environmental Protection (DEP) discharge permit. For information on this permit please contact DEP’s Wastewater Licensing Program (Gregg.wood@maine.gov, 207-287-7693). Further sampling may be required by DMR, or DEP, depending on the characteristics of the site or the proposed activities.

G. Describe ice formation in the winter months at the proposed site.

Note: Description of ice should incorporate data such as water temperature or ice out date over a ten-year period or observations over several (no less than 5) recent winters from the harbormaster, a municipal official such as a shellfish warden, local harbor committee, Marine Patrol Officer, fishing/aquaculture industry members, or the applicant. Stating “no ice observed last year” will not be accepted as a complete answer.

11. STRUCTURES *(if applicable)*

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 an **Overhead View** and **Cross-Section View** of your gear plans. It is important to note that, unlike Limited Purpose Aquaculture (LPA) Licenses, experimental and standard leases require that all gear, including moorings, must be located within the proposed lease boundaries.

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

A) Overhead View (please label this “Overhead View”):

Directions: All dimensions need to be labeled with the appropriate units (i.e. 10ft, 10in)

- Show maximum layout of gear including moorings.
- Show dimensions of entire gear layout
- Show approximate spacing between gear.
- Show lease boundaries and the location of proposed markers on all drawings.
- Gear orientation

B) Cross-Section View (please label this “Cross-Section View”):

Directions: The cross-section view must show the following:

- The sea bottom
- Profile of gear in cross-section as it will be deployed
- Label gear with dimensions and materials
- Show mooring gear with mooring type, scope, hardware, and line type and size
- Water depth at mean high and mean low water

Note: Please include an additional Cross-Section View, depicting the elements listed above, if there will be seasonal changes to gear layout (i.e. over wintering).

C) Gear Description

Directions: List and describe each individual gear type that you will use in the table below.

Specific Gear Type <i>(e.g. soft mesh bag)</i>	Dimensions <i>(e.g. 16"x20"x2")</i>	Time of year gear will be deployed <i>(e.g. Spring, Winter, etc.)</i>	Maximum amount of this gear type that will be deployed on the site <i>(i.e. 200 cages, 100 lantern nets, etc.)</i>	Species that will be grown using this gear type

D) Gear Drawing (please label this “Gear Drawing”).

Directions: Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. The drawing(s) needs to depict the length, width, and height of each gear type with appropriate units referenced (i.e., 10in, 10ft, etc.).

12. MARKING

Will you be able to mark your site in accordance with DMR regulations, Chapter 2.80? In part, this requires marker buoys which clearly display the lease ID and the words SEA FARM to be located at each corner of the lease. Marker buoys must be yellow and host reflective material.

Yes No

If you answered no, explain why and suggest alternate markings.

Note: If a lease 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: 1st Coast Guard District, Aids to Navigation Office.

13. RIPARIAN LANDOWNERS AND SITE ACCESS

A. If your lease is within 1,000ft of shorefront land (**which extends to mean low water or 1,650 ft. from shore, whichever is less, according to NOAA charts**), the following supporting documents are required:

1. A labeled copy of a tax map(s) depicting the location of the proposed lease site and including the following elements:
 - Label the map “Tax Map: Town of (name of town).”
 - Legible scale
 - Tax lot numbers clearly displayed
 - The boundaries of the proposed lease
2. Please use the Riparian Landowner List (included on the next page) to list the name and address of every shorefront landowner within 1,000ft of the proposed lease site. Have the tax collector or clerk of the municipality certify the list. Refer to the riparian determination guidance document to ensure all riparian landowners are included:
<https://www.maine.gov/dmr/aquaculture/forms/documents/RiparianDetermination.pdf>
3. If any portion of the site is intertidal you need to complete the steps outlined in “Landowner/Municipal Permission Requirements”.

B. Will your access to the lease area be across riparian land?

Yes No

Note: If you selected “Yes”, you will need to complete the landowner permission requirements included in “Landowner/Municipal Permission Requirements” of this application.

C. How (i.e. where on shore) will you access the proposed site?

RIPARIAN LANDOWNER LIST

*THIS LIST MUST BE **CERTIFIED** BY THE TOWN CLERK*

On this list, please include the map number, lot number, and the current owners' names and mailing addresses for all shorefront parcels within 1,000 feet of the lease site. 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 riparian parcels are located within more than one municipality, provide a separate, tax map and 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 your operation:

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

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

I, (*printed name of applicant*) _____ have read DMR Aquaculture Regulations 2.64(12)(B)) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

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 open an escrow account or obtain a performance bond. 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 2.64(10)(D) and if this proposed lease is granted by DMR I will either open an escrow account or obtain a performance bond, depending on the category of lease.

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 experimental lease 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.

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

PART I: The use of private property to access your site.

Pursuant to 2.64(C)(6) to 12 M.R.S.A. §6072-A(8) if you are using private property to access the proposed lease site, you need to submit written permission from the property owner with your application. It is your responsibility to obtain written permission. Please note that the Department does not provide forms for landowner or municipal permission. **If any portion of your site is also intertidal you will need to complete the steps outlined in Part II, below.**

PART II: If any portion of the site is intertidal you need to complete the following steps:

Step I: Obtain written permission from all intertidal landowners.

As stipulated by 12 M.R.S.A. §6072-A(8) and required by 12 M.R.S.A. §6072(4)(F), the applicant must submit written permission of every riparian owner whose land to the low water mark will be used. Therefore, you need to include written permission from the upland owner(s). The written permission needs to include the parcel and lot number of the shorefront owner(s), whose intertidal property the proposed site occupies, as recorded on the riparian landowner list.

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 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.

