

Aquaculture in Maine's Coastal Waters:

How the public
can participate
in the process



What is Aquaculture?

Marine aquaculture is the culture of marine animals and algae/seaweed using a variety of techniques.

Aquaculture provides about 53% of the world's seafood.¹

Nearly 90 percent of the seafood Americans eat is imported from other countries, half of it from aquaculture. One-fifth of the value of U.S. seafood production is from aquaculture.²



Aquaculture is not a new industry in Maine, where people have been growing fish and shellfish since the mid-twentieth century. Maine has been the number one producing state in marine aquaculture sales for 10 out of the last 15 years.³

Maine's aquaculture industry raises finfish, shellfish, and seaweed in farms along the coast. The most significant commercial species are Atlantic salmon, blue mussels, oysters, and seaweed.

Today, aquaculture is a large part of the marine resource economy, employing more than 1,000 people⁴ and generating revenue that is second only to lobsters, Maine's leading commercial fishery.⁵

Aquaculture farms that operate in public waters must obtain a lease or license from the state. Most leases do not grant exclusive use of the waters and compatible uses are allowed. As a leaseholder, the aquaculturist or farmer must pay annual fees, submit annual reports, and meet the obligations of the lease.



Types of Aquaculture Sites

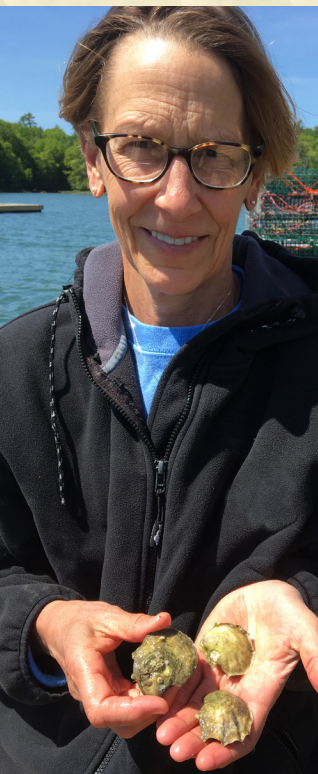
There are two types of lease sites, as well as Limited Purpose Aquaculture (LPA) licenses. The basic differences between the three types of sites are noted below.

Standard Leases: Applicants can apply for up to 100 acres, with a maximum lease term of 20 years. Standard lease sites may be renewed. Pre-application meetings and public scoping sessions are required, and a public hearing is held on the proposal.

Experimental Leases: Applicants can apply for up to four acres, with a maximum term of three years. Experimental leases are non-renewable unless they are held for scientific (i.e. non-commercial) purposes. There is a public comment period and a public hearing is held at DMR's discretion unless DMR received 5 or more written requests to hold a hearing during the comment period.

Limited Purpose Aquaculture (LPA) Licenses are annual licenses that expire December 31st of each year. They permit certain aquaculture activities on up to a 400-square foot plot. An individual may hold up to four LPA licenses and training is required.





Lease Processing and Public

Review of Applications Lease proposals are reviewed by DMR staff and, when complete, are sent to state agencies including the Maine Department of Inland Fisheries and Wildlife, the Maine Department of Agriculture Conservation and Forestry, and if applicable, the Maine Department of Environmental Protection. Certain applications may also be reviewed and permitted through the U.S. Army Corps of Engineers. In addition to reviewing the application, DMR science staff will also visit the proposed lease site and conduct a site assessment. DMR science staff will publish a site report, which includes findings and observation from the site assessment, which are available on DMR's website.

Standard Leases Before submitting a draft application, the applicant meets with the municipality and DMR to discuss their proposed operations. This is called a "pre-application" meeting and is an opportunity for the applicant to get feedback on their plans. After this meeting, the applicant submits a draft lease proposal to DMR. The proposal includes the location of the proposed site and the applicant's observations of the area. DMR reviews the draft lease proposal for completeness. When the proposal is complete, the applicant is required to hold a scoping session, or public meeting on the draft application. The scoping session is an opportunity for the public to provide feedback on the applicant's proposal. Scoping sessions do not determine the final outcome of an application; they are informational in nature. After the scoping session, the applicant may submit a final application to DMR. Based on the feedback from the scoping session, the final application may differ from the draft proposal. However, applicants do not have to change their proposals in consideration

of feedback received at the scoping session. The final application will be reviewed by DMR and after it is deemed complete a public hearing will be held.

Experimental Leases These sites do not have any pre-application meetings or requirements. An applicant submits their proposal to DMR for review. Once the proposal is deemed complete, DMR establishes a 30-day comment period whereby any person can submit written feedback on the proposal or request that DMR hold a public hearing on the application. Public hearings are optional, unless DMR receives 5 or more written requests to hold a hearing by the comment deadline. If no public hearing is required or held, DMR will issue a written decision based on the applicable evidence in the record.

Public Hearing All standard leases have a public hearing and some experimental leases may have a hearing if required by law or at DMR's discretion. Public hearings are adjudicatory proceedings and they are more formal than most public meetings. They are an opportunity for stakeholders to provide testimony and evidence as they relate to the lease decision criteria.

Notice of Applications and Hearings: The law requires that riparian landowners within 1,000 feet of the proposal (as listed in the application), the municipality where the site is located, and certain state agencies receive direct notice of lease applications and hearings. The general public can find out about applications and hearings through the local newspaper (DMR is required to publish certain notices in the paper), DMR's website, or by signing up to receive email or text notifications of lease proposals.

Public Participation

Strategies for Effective Participation

In order to be granted, leases must not present an unreasonable impact to the criteria listed below. Criteria with a * do not apply to experimental leases.

- 1 The ability of shorefront landowners within 1,000 ft of the proposal to come and go from their property
- 2 Navigation
- 3 Fishing or other water related uses of the area, including other aquaculture sites
- 4 Significant wildlife and marine habitat or the ability of the lease site and marine and upland areas to support ecologically significant species
- 5 The public use or enjoyment within 1,000 feet of beaches, parks, or docks owned by local, state or federal government or *certain government owned conserved land
- 6 *The site 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
- 7 The applicant must demonstrate there is an available source of organisms to be cultured for the lease site

The decision criteria is the lens through which DMR evaluates all proposals. Therefore, feedback on a proposal should be specific to one or more of the lease decision criteria noted above. When providing feedback it is also important to include details that support or substantiate the points you are trying to make.

Communications

Maine has a long tradition of supporting working waterfront. All regulatory agencies and most growers encourage direct communication between producers and their neighbors on the shore and water; this has the greatest likelihood to build good relationships between all parties.



If a lease already exists

You can contact the leaseholder or DMR to ask questions. Marine Patrol Officers and other DMR staff inspect aquaculture sites on a regular basis.

Meet your local harbormaster, who can be an excellent source of information about the waterfront and may be able to answer questions about local ordinances, moorings, etc.

The Maine Department of Marine Resources welcomes and encourages comment on aquaculture lease and license applications.



Where are Maine's aquaculture farms?

As of December 2020, there were 168 active aquaculture leases covering 1,656 acres of coastal Maine waters, and 769 Limited Purpose Aquaculture (LPA) licenses. Most finfish farms are located Downeast, along the Washington and Hancock County coastlines.

Shellfish and seaweed farms are located along Maine's entire coastline. Many oyster farms are located where warm, productive waters promote growth. Farms vary in appearance based on the species being grown and the methods used.

Visit maine.gov/dmr/aquaculture/leases for an inventory of existing and proposed aquaculture leases in Maine, as well as a map of aquaculture sites in Maine. Visit maine.gov/dmr/aquaculture/data for lease, license, and harvest data.



Where to go for more information

This information is intended to provide a general overview of public participation in DMR's aquaculture leasing process. The laws and rules governing the leasing process can be found in Chapter 2 of DMR's regulations and 12 M.R.S.A. section 6072 et seq. Please contact DMR for additional information about the leasing process.

DMRAquaculture@maine.gov

Maine Department of Marine Resources: Director, Division of Aquaculture | 194 McKown Point Road, West Boothbay Harbor, ME 04575 | 207.633.9500 | maine.gov/dmr/aquaculture

Maine Sea Grant: seagrant.umaine.edu/aquaculture

Maine Aquaculture Association: Executive Director, Maine Aquaculture Association | PO Box 148, Hallowell, ME 04347 | 207.622.0136 | info@maineaquaculture.com | maineaquaculture.com

Director, Maine Aquaculture Innovation Center | 5717 Corbett Hall, Room 438, Orono, ME 04469 | 207.581.2263 | maic@maineaquaculture.org | maineaquaculture.org

References

- 1 Food and Agriculture Organization of the United Nations. 2018. The State of the World Fisheries and Aquaculture.
- 2 NOAA Fisheries. 2018. U.S. Aquaculture and Fisheries of the United States (2016).
- 3 Compiled from USDA Census of Aquaculture 2005 and 2013, U.S. Department of Commerce Fisheries of the United States 2002-2016.
- 4 University of Maine, Aquaculture Research Institute, Maine Aquaculture Economic Impact Report 2017.
- 5 Maine Department of Marine Resources Landings Data. 2016; Maine Department of Marine Resources, Aquaculture Harvest Data 2016.



Image credits:

Front cover: background-Chris Bartlett (CB); hauling seaweed-T. Olson; all else-Kathlyn Tenga-González (KTG). Pp 2 & 3: salmon pen, mussels in crate-CB; seaweed farmer-KTG. MBAQ drag, oyster farm-Maine Department of Marine Resources (DMR); scallops-KTG. Pp 4 & 5: bottom left, handful of oysters-DMR; all else-KTG. Pp 6 & 7: All-KTG. Back cover-Catherine Schmitt.

