



## **2012 LPA LICENSE RENEWALS**

### ***INFORMATION & INSTRUCTIONS***

#### **DEAR LPA LICENSE-HOLDER:**

LPA RENEWAL FORMS for 2012 are now posted on the DMR web site at:  
[http://www.maine.gov/dmr/aquaculture/aquaculture\\_lease\\_applications.htm](http://www.maine.gov/dmr/aquaculture/aquaculture_lease_applications.htm) .

For paper copies of these forms, please call Sylvia Brann at DMR at 633-9500. **Below you will find:**

- **Instructions** for completing the forms
- **Information** about changes in the LPA program

**PLEASE READ THIS DOCUMENT THROUGH CAREFULLY BEFORE FILLING OUT THE FORMS!**

### **INSTRUCTIONS for FILLING OUT the RENEWAL FORMS**

#### **1. FORMS**

The forms for renewing LPAs for 2012 are posted on DMR's web site and include:

- **LPA Renewal Information & Instructions** – this is the document you are reading now.
- **LPA 2012 License Form** – This year, ***the license form also serves as the renewal application form***. Send this completed form to DMR with your \$50 check and the riparian list form (if needed) and we will process your renewal. Additional documents are required if you propose to change gear.
- **Riparian List Form for LPA License Applications** – At the town office, check the names and addresses of riparian landowners within 300 ft. of your LPA. You can copy them from the list you submitted last year. If any have changed, use the current names and addresses from the Town's records for your list. Ask the town clerk to certify the list.
- **LPA Health Areas map and description** – Use this document to find the Health Area of your site and of your sources of stock. See item #1 below under "Information About Changes in the LPA Program" to learn more about LPA Health Areas.
- **LPA Standard Conditions** – These are the legal conditions that apply to your LPA license.

## 2. CHANGING YOUR LPA LICENSE

### LOCATION:

- ***You cannot change the location*** of the LPA without a new application.

### SPECIES:

- ***You can drop or add species*** by completing the box labeled "Species" on the license form. Be sure you have checked the type of gear you need to grow each species.

### GEAR:

See Item # 3 under "Information about Changes in the LPA Program", below, to learn about **changes in the amount of gear allowed on LPA sites.**

- **Non-conforming sites:** If the gear authorized for an LPA, including the spaces between individual pieces of gear, but excluding mooring equipment, covers more than 400 sq. ft., **no additional expansion or change in gear type** will be allowed. You will need to apply for a new LPA for additional or different gear.
- **Conforming sites:** If the gear authorized for an LPA, including spaces between individual pieces of gear, but excluding mooring equipment, covers no more than 400 sq. ft., **you can request to drop or add gear** by completing the box labeled "Gear" on the license form and submitting:

#### 1. **A site plan showing:**

- Maximum layout of all existing AND proposed new gear
- Boundaries drawn around all gear and labeled with length
- Calculation of square footage of area within boundaries

#### 2. **Plan and section drawings of new gear, showing**

- Construction
- Dimensions
- Materials

### **3. FILLING OUT THE LICENSE FORM**

**Refer to your 2011 LPA license** – it already has much of the information you need for the 2012 license. The 2012 license has a few different boxes, but it is mostly the same as the 2011 version. Please fill it in as follows:

**LPA Acronym** – Fill in the acronym (i.e., “ABC-1-03”) in the upper right box, so we know which LPA you are applying to renew.

**Contact Information** - Fill in as indicated.

**Assistants** – You can list up to 3 assistants. These people are authorized to handle gear on your LPA site and must carry a copy of your LPA license with them when they are on the site. No one else except you is allowed by law to handle your LPA gear. This is to protect your gear from being tampered with.

**Location** - Please show latitude and longitude in degrees/minutes/seconds or decimal degrees.

**This LPA is Used For** – check either “Commercial”, “Recreational”, or “Municipal”.

**Water Quality** – The Area number is listed on your 2011 LPA license in the box in the upper right quadrant. Write it on the line marked “Area #” on the 2012 license form. Please check the current status of the water quality for your site and write it on the line labeled “Classification”. You can find the water quality maps and classification information on the DMR web site at:

[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)

***If you do not have internet access***, please call DMR offices at either Boothbay Harbor (633-9500) or Lamoine (667-5654) and ask to speak with the Growing Area Manager for the town where your LPA site is located. Ask the Manager for the current water quality classification for your LPA.

**Gear** – Be sure to check the same items as on your 2011 license. If you wish to change gear, see the information above under #2, “Changing Your LPA License”.

**Species** - Be sure to check the same items as on your 2011 license. If you wish to change species, see the information above under #2, “Changing Your LPA License”.

**Source of Seed or Stock** – List the Health Area for your site (refer to your 2011 license or to the LPA Health Areas map on the web site). List the sources & Health Areas for all seed or stock you plan to use in 2012.

**Declaration** – Please read, sign, and date.

**Changes - Yes or No** – Please fill in this box, *whether or not you propose to change* gear or species.

**Conditions** – Leave this box blank for DMR's use.

#### **4. CHECKLIST**

*Send DMR the following:*

1. **The completed 2012 license form** (single copy only)
  2. **The certified riparian list** (if applicable; original only)
  3. **Gear plans** as required for any changes (single copy only)
  4. **Check for \$50.00** made out to "Treasurer, State of Maine".
- **ARMY CORPS copies:** DMR will forward copies to the U.S. Army Corps of Engineers for their review.
  - **E-MAIL:** You can scan and email the renewal materials to DMR, but we will need the ORIGINAL certified riparian list sent by U.S.Mail. The clerk's embossed seal will not be legible on a scan or photocopy.
  - **Postmark or email your application by December 1.** Otherwise, you must remove your aquaculture gear from the water by December 31. The Army Corps may find you in non-compliance with their permit, if you do not apply to DMR by the Dec. 1 deadline.

- **SEND RENEWAL APPLICATION MATERIALS TO:**

**Mailing Address:**

Aquaculture Administrator  
Dept. of Marine Resources  
PO Box 8  
West Boothbay Harbor, ME 04575

**E-mail address:** [sylvia.brann@maine.gov](mailto:sylvia.brann@maine.gov)

## **INFORMATION about CHANGES in the LPA PROGRAM**

### **1. Source of Stock & LPA Health Areas**

- **Shellfish seed or stock that comes *directly* from a Maine hatchery** (see list below) can be placed on any LPA site in any LPA Health Area.
- **All other shellfish seed or stock** for an LPA site must come from the *same* LPA Health Area as that of the site, unless you have a permit (see next paragraph). “Seed and stock” include:
  - Wild shellfish seed or stock
  - Shellfish seed or stock that originally came from a Maine hatchery but then was placed in Maine coastal waters, including:
    - In an upweller;
    - On another LPA site;
    - On an aquaculture lease site; or
    - Anywhere else in Maine coastal waters.
- **Permit for seed or stock from outside Health Area:** You can use non-hatchery seed or stock from outside your LPA Health Area if you have a permit from the DMR Public Health Division under Chapter 24.05 through 24.10. Such a permit requires evidence that the seed or stock is consistent with the species authorized under the LPA rules and is free from evidence of disease. To contact the Public Health Division, call DMR at 633-9500.
- **Clam seed from hatcheries only.** Seed for hard clams or quahogs (*Mercenaria mercenaria*), hen clams (*Spisula solidissima*), and soft-shelled clams (*Mya arenaria*) cannot be collected from the wild unless you obtain a transplant permit from DMR authorizing collection of undersized animals. Otherwise, clam seed must come from a hatchery.

**What are LPA Health Areas?** The LPA forms on DMR’s website include a map and boundary descriptions of the five LPA Health Areas. Go to the web address below and click on “LPA Health Areas”: [http://www.maine.gov/dmr/aquaculture/aquaculture\\_lease\\_applications.htm](http://www.maine.gov/dmr/aquaculture/aquaculture_lease_applications.htm)

### **HATCHERIES known to DMR that currently provide shellfish seed in Maine are:**

- Muscongus Bay Aquaculture on Muscongus Bay in Bremen
- Mook Sea Farms on the Damariscotta River in Walpole (requires DMR permit for American oyster seed)
- Down East Institute on Beals Island off Jonesport

## **2. Oyster movement restrictions**

To prevent the spread of certain oyster diseases, the movement of all European oysters (*Ostrea edulis*) and of certain American oysters (*Crassostrea virginica*), is restricted as follows under DMR Rule Chapter 24.10 (4):

- To move **any** European oysters, including hatchery seed, **anywhere** in Maine coastal waters, you must first obtain a DMR permit. Testing of oysters may be required.
- Except for hatchery seed for which you have a DMR permit, **NO American oysters from the Damariscotta or Johns Rivers** (all coastal waters north of a line between Ocean Point, Boothbay and Pemaquid Point, Bristol) **can be moved anywhere in Maine coastal waters.**
- For information on permits for moving or importing shellfish seed and stock, contact Marcy Nelson of DMR at [marcy.nelson@maine.gov](mailto:marcy.nelson@maine.gov) or call Ms Nelson at 633-9500.

## **3. LPA Gear Limit Changes**

**What is the LPA gear limit?**

- The LPA law and rule allow up to 400 square feet of gear on an LPA license site.

**How is the limit changing?**

- In the past, DMR calculated the square footage of *each item* of gear and added it up. Now we are requiring instead that the *total area occupied* by the proposed gear, including the spaces between individual pieces of gear, must not exceed 400 square feet. Mooring equipment is not included in the calculation; it can extend outside the 400 sq. ft. area, if necessary.

**Why is DMR changing the limit?**

- DMR believes this is the way the law was originally intended to work. Some LPAs now occupy many times more than 400 sq. ft., and we want to bring them all into line with the law as we understand it. All LPAs issued in 2011 (last two digits of acronym are "11") comply with this standard, and many older LPAs do, too.

**I want to renew my LPA for 2012, but my gear covers an area larger than 400 sq. ft. What should I do?**

- You can renew your LPA now for 2012 with no changes in gear. DMR will "grandfather" existing LPAs that exceed 400 sq. ft., and for the next 3 years, we will renew them as is. But we will *not* renew them for 2015 *unless* the amount of gear is reduced to meet the limit as we now interpret it.
- DMR will notify you when your LPA license is renewed for 2012 if your authorized gear exceeds the limit, so that you can begin planning for how to reduce it.

## What happens in 2015? Will I lose my LPA?

You have several options between now and 2015, *if your LPA gear exceeds the 400 sq. ft. limit*. You can:

- *Reduce the amount of gear* on your site to fit within 400 sq. ft. by 2015.
- *Do nothing*, and the license will not be renewed for 2015.
- *Apply for additional LPA sites* before 2015 to accommodate all your gear (limit of 4 LPAs per person, and no more than 3 sites within 1,000 ft. of any other site).
- *Apply for an aquaculture lease* to replace the LPA. The lease process can take as much as a year to complete. If you apply for a lease to replace your LPA(s) before 2015, DMR will continue to renew your LPAs until the lease application is granted. If the lease is denied, the LPAs will terminate in 30 days.

## 4. Growing Marine Algae on LPAs

DMR has recently added marine algae to the list of species that can be cultured on LPA sites.

- **Marine algae include** all seaweeds such as reds, greens, browns, or kelps.
- Marine Algae **stock must be obtained or cultured from stock originating in Maine coastal waters**. The LPA Health Area requirements do not apply to marine algae stock; it may come from anywhere in Maine coastal waters.
- Marine algae, **if cultivated alone**, are not subject to requirements regarding water quality at the LPA site. This means that if **only** marine algae are grown on an LPA site, the site can be located anywhere in Maine coastal waters that otherwise meets the LPA requirements, regardless of the water quality classification of the area.
- If marine algae are listed as authorized species on an LPA that is **also** authorized to cultivate molluscan shellfish, then all requirements regarding water quality at the site apply (see DMR Rule Chapter 2.90(3) (C)).
- **Gear for growing marine algae may include** rope, rafts with ropes attached, bags, long lines (vertical or horizontal), or rope grids. Ropes or bags may be placed on the surface or submerged. **NOTE:** Adding marine algae to an LPA will probably require amending your Army Corps permit, because of the change in gear.