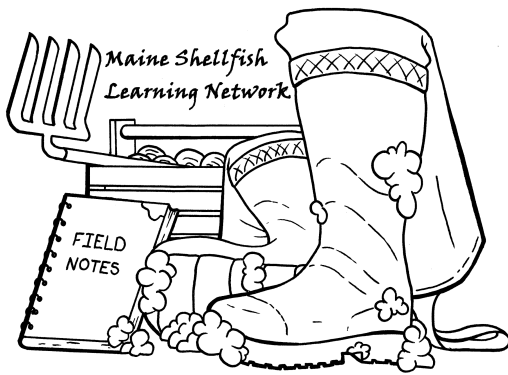


Report for Shellfish Advisory Council
concerning:

Limited Purpose Aquaculture Permits



Developed in collaboration with the Maine Shellfish Learning Network
(MSLN) and Manomet

Introduction

This document contains the findings generated from a short-term research project conducted by Gabrielle Hillyer (Maine Shellfish Learning Network - MSLN) and Marissa McMahan (Manomet). The goal of the research project was to gather more information about limited purpose aquaculture permits (LPA) from a diverse group of participants.

This research responds to a number of conversations happening across the coast where municipalities are engaging in enhancement and conservation activities that require an LPA. Both the MSLN and Manomet decided to work together to create resources for municipalities as well as gather more information about the realities of the application process. This research had three goals: 1) develop a LPA Workbook, which goes into detail and serves as a guide for municipalities applying for LPAs; 2) develop subsequent web pages on themudflat.org (MSLN website) that create an online platform for the information in the workbook; and 3) interview key informants, as well as engage in many off-the-record conversations about the LPA application process to gather recommendations on how to improve it.

This report contains the recommendations and comments gathered during the interview and subsequent engagement process. They have been grouped into four different sections, an overview of recommendations, potential short-term changes to the application process as it stands now, longer term changes that could include legislative action, and finally additional findings and comments.

We would like to thank all the participants and collaborators who contributed to this project for their insight and time. Thank you!

For any questions about this report, please contact:

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Recommendations - Overview

Based on our outreach, interviews, and other conversations, it is agreed that LPAs create a hurdle for municipalities and scientists to conduct enhancement and conservation activities particularly in the intertidal. Recognizing that using structures requires an LPA under the current management system, municipalities vary in their capacity to take the time to fill out the application, as well the technological expertise required for various parts of the application. It is the hope that these recommendations when implemented could ease some of the burden for municipal shellfish committees in the current process. Alternatively, suggestions were made to create a unique process for municipal shellfish committees, creating a “municipal LPA” (m-LPA) which could be submitted to the DMR Municipal Shellfish Program as opposed to the DMR Division of Aquaculture.

Overall, it is recommended that a working group or subcommittee be formed to evaluate and when applicable, enact the changes described in this report. This working group could potentially consist of members of the Shellfish Advisory Council, municipal shellfish committee representatives, and state agency members although this is still being explored.

The quote below from one of our participants exemplifies this suggestion:

“I think that when they started talking about aquaculture they were not thinking about municipal shellfish...So when they made these rules they didn't make the consideration for municipalities to have to do this, to think outside the box. And it needs to be revisited and it needs to be a serious discussion not with just DMR and the aquaculture committee. You need to have municipal shellfish programs involved to...make recommendations of what makes sense to them...I'm not using it [LPA] for profit. I'm not growing them out, and I'm not selling them on the open market. We're using them to replenish a resource.” - Shellfish Warden

Changes - Short-Term

There were multiple recommendations made for short term changes that could support municipal shellfish committee applications. These include:

- Minimize payments for municipal shellfish committee applications, as well as extend the renewal process so that municipalities do not have to re-apply for LPAs every year
- Discuss the potential impacts riparian landowners may have on municipal LPAs and potentially develop a unique notification that highlights municipal jurisdiction and efforts (letters of support, etc.)
- Fast track municipal shellfish committee applications, particularly in seasons with numerous LPA applications from private individuals
- Create more standardization across the application process, including but not limited to: providing more clarity for what is required in the application; having more clarity around who is reviewing applications; and work to mitigate inconsistencies in reviewer comments (what is sufficient one time is not sufficient the next)
- Generate recommendations for municipalities on when to apply for fastest turnaround time
- Allow for students to be able to participate on municipal LPAs similar to LPAs that are run by university professors in order to facilitate community outreach within the context of conservation projects
- In general, remove limitations for the number of people listed on a permit and therefore legally allowed to touch gear in an LPA as municipalities do not always know how many harvesters may work on a project

Changes - Long-Term

During many of the interviews and follow up conversations, participants and collaborators brainstormed what a unique municipal LPA process could look like. The hope is that by creating a unique process, it can more closely reflect the co-management system municipalities have with the Department of Marine Resources (DMR) while still maintaining the required oversight for the use of structures in the intertidal.

In general, participants recommend creating a separate process that could improve turnaround time, as well as work within the DMR Municipal Shellfish Program as opposed to the DMR Division of Aquaculture. This could include:

- Change the definition of LPA to exclude ‘public aquaculture’ and add a municipal LPA lease type (M-LPA)
- Develop criteria for the M-LPA, including dimensions, structures, and similar criteria that could be developed collaboratively with a subcommittee of the ShAC and DMR
- Having Area Biologists or similar DMR Municipal Shellfish Program personnel be the reviewer for a M-LPA application as well as set up system for Army Corp approval

Additionally, it is the hope of the authors of this report that the working group previously described works to clear up “gray areas” of overlapping management and provide that information to the larger shellfish community. These “gray areas” could include but are not limited to: more information on when municipalities are required to get an LPA for conservation activities, what defines aquaculture, ownership of the intertidal, and the municipal aquaculture permit process.

Comments and Additional Findings

Overall each interview, conversation, and observation generated unique and important information about how municipalities are engaging in the LPA process. Below, we have listed a few conclusions that should be considered in continuing conversations.

- There is growing frustration across the multiple groups, including state agency members, municipal managers, and other shellfish harvesters with the LPA process. It is recommended by all participants that this needs to be a priority for the Shellfish Advisory Council and the Department of Marine Resources.
- LPAs are not universally accessible to municipalities. A variety of collaborators and participants mentioned that the time and technical expertise required to fill out the application as it is now, makes the application inaccessible to municipalities with less capacity. Because conservation projects using upwellers, or similar aquaculture technology require an LPA, this inherently limits municipal conservation projects.
- Multiple participants mentioned that private property should mitigate the requirement for an LPA. This includes lobster pounds or the intertidal, when agreements with riparian landowners can be made.

It is the hope of the authors of this report that this document highlights the next steps to find solutions to the problems highlighted above. We feel this report can support future brainstorming and conversations centered on finding solutions and evaluating the short term and long term impacts of those changes.