

11. Establishment of Application Priority

Once the sites eligible for leasing are identified by the Aquaculture Lease Board, it may be necessary to conduct a Random Selection Process (RSP) to determine a priority order for processing lease applications. This will occur, if the aggregate acreage in new lease applications exceeds the acreage available under the annual acreage cap limit, in any given year. The Department will use a RSP that mimics the process currently used by the NYSDEC in issuing new commercial licenses and permits that are subject to limited entry pursuant to Environmental Conservation Law (ECL) Section 13-0328. In the event that all of the proposed lease sites chosen by the applicant have been rejected by the Aquaculture Lease Board, and the applicant still wishes to participate in the Lease Program, he/she will be permitted to select from remaining available lease sites after the RSP has been conducted.

In the event a RSP takes place, those lease applicants that are not selected in a given application cycle, will not be given any preference for selection during any subsequent applications cycles. In effect, there will be no preference given to those applicants not chosen in a specific year for the following year.

The Department will also use the RSP to decide the order of priority that gives preference to one applicant seeking to lease a particular site that is identified in other lease applications. This situation could arise where TMAUA holders seek alternative lease locations that do not include their current TMAUA site.

The RSP is described below:

- Write all applicants' names on separate pieces of paper.
- Place all papers with applicants' names in a "hat."
- Names will be drawn from the "hat" and assigned a random number.
- Applicants' names and assigned numbers will be posted for viewing.
- Each assigned number will be placed on a ping pong ball.
- The numbered balls will be placed in a "hat."
- The numbered balls will all be drawn from the "hat."
- As the numbered balls are drawn from the "hat" the order in which they are drawn is posted. This will be the order of priority in which the applications are processed.