

Aquaculture Lease Rules Under Fire

By Aaron Porter

ELLSWORTH—A petition circulated by the Eastern Penobscot Bay Environmental Alliance and the Conservation Law Foundation was presented to the Department of Marine Resources Tuesday as part of a continuing effort to revise the way aquaculture leases are doled out by the state.

That makes two efforts currently under way to change the process that grants fish farmers exclusive use of areas of public waters.

The recent outbreak of infectious salmon anemia in Cobscook Bay, coupled with new salmon and shellfish farm lease applications in Blue Hill and Penobscot bays, has stirred local interest in the aquaculture lease process. Critics such as the Friends of Blue Hill Bay have held that the state's application process is to blame for a lack of meaningful local input on applications.

The recently formed alliance in Penobscot Bay used the announcement of its petition Tuesday to call for reform of the lease procedure and a moratorium on new leases west of Schoodic Point while the changes are hammered out.

The topic of aquaculture leases is not new in Augusta. The Joint Standing Committee on Marine Resources had a bill before it from last session that called for changes to the lease regulations. While the particulars of that bill introduced by Representative Royce Perkins, R-Penobscot, were dismissed at a session of the committee last week, members agreed to pen a new bill that reflects a broader range of public concerns.

A significant part of the new bill will spring from the program review conducted by Andrew Fisk, aquaculture coordinator for the state. Fisk, who was on hand for the committee's discussion of how to proceed on the aquaculture issue, said almost all of the suggestions he proposed were embraced by the committee.

Those alterations include the adoption of a preapplication process, public scoping sessions before hearings, written findings from regular farm inspections and aesthetic standards for structures on farm sites.

Last month, Fisk's presentation met with mixed reviews among critics of the aquaculture industry. A common sentiment was that the proposed changes didn't go far enough. In contrast, some fish farmers expressed their support for the proposed changes.

Fisk said the debate was not a surprise. "We state some pretty strong positions," he said.

The department doesn't want to see aesthetic considerations included in the regulations and opposes the idea of a moratorium.

Fisk said that in addition to his suggested changes, the committee will present the possibility of a moratorium and some assertion of the importance of local input from towns.

Committee member Bill Pinkham, R-Lamoine, said last week he doesn't "think the local communities have enough say about what happens in their backyard."

The retired Marine Patrol Officer predicted that debate on the bill is "going to be hot and heavy."

Committee member Paul Volenik, D-Brooklin, said he supports more local control of the lease process and the implementation of a moratorium to give the department time to make changes.

The changes proposed by Tuesday's petition are more dramatic than those suggested by Fisk.

Roger Fleming, staff attorney with the Conservation Law Foundation, said Monday the proposed changes are intended to be part of a broader effort to encourage an overall review of the process through the implementation of a moratorium and the formation of a task force. Specifically, he said, the major changes in the petition sometimes echo Fisk's proposed changes. The addition of a public scoping process is common to both efforts, as are some changes to the performance bond levels. But Fleming sees changes that will broaden the definitions of adverse effects, discharge and the geographical range of neighbors to be notified of an application. The petition also would set more demanding standards for measuring environmental effects of a salmon farm and require more initial baseline environmental information to measure performance over time.

It would require the commissioner to consider all the existing and potential uses of the area to be leased, including scenic values and cultural heritage as they relate to conservation and tourism.

Fisk said the department will send the petition through the rule-making process: it will go through public hearings and back to the department for a final decision.

On a similar timetable the committee's new bill will go through the legislative process with any rule-making changes ending up at the department to be sorted out. Statutory changes must go through the legislature.