

## **Maine Marine Aquaculture State Task Force**

*Report Released By Aaron Porter*

ELLSWORTH — The Governor’s aquaculture task force has issued its final report making 95 specific recommendations for changes to help the faltering industry succeed, and starting about a dozen statutory changes on their way through the Legislature.

Those changes would see responsibility for industry development and aquaculture promotion pass from the Department of Marine Resources to the departments of Economic and Community Development and Agriculture, respectively.

Among other things, there are proposed changes to eliminate the public hearing requirements for lease renewals, lease transfers and new experimental leases; increase the maximum leased area for one holder from 250 acres to 500 acres; include a lease’s effect on narrowly defined “conserved lands” in the lease decision process, and deny municipalities jurisdiction over moorings on any aquaculture lease.

The report also includes proposed regulatory changes that would, among other things, require that a private pre-application meeting and public scoping session be held in the municipality prior to the completion of an application; require the commissioner to explain if conditions requested by a municipality are not imposed on a lease; limit the size and color of buildings and equipment on farm sites; change the rental fees for lease holders and establish penalties for lease violations.

The 190-page document is the result of nearly five months of information absorption, analysis, deliberation and argument by the 11-member volunteer task force charged with the task of mapping the way forward for marine aquaculture in the state. A rash of litigation and wrangling over aquaculture lease applications had led to delays and uncertainty among some Maine fish farmers and the multinational companies that hold the bulk of aquaculture leases from the state.

The Baldacci administration pointed to the need for consensus among all the users of the state’s public waters as to where aquaculture would fit in. In a July statement announcing the task force, Gov. John Baldacci called it, “a much-needed opportunity for the kind of focused deliberation that will help us move forward with marine aquaculture planning.”

At the same time, Marine Resources Commissioner George Lapointe said of aquaculture, “What people haven’t been able to come to terms with is a rational way of determining how much there should be, and where it should, or should not, take place.”

With the exception of a call in the report for the Legislature to “charge the

Department of Marine Resources to convene a group specifically to study bay management,” Lapointe’s observation seems to hold equally true in the wake of the task force efforts. In its report, the group noted that members couldn’t agree on how a bay management scheme to share the public waters among competing interests and users would be implemented. It noted a hope that proponents of bay management would find some comfort in the measures proposed to change the leasing process and site criteria.

Don Eley, president of the Friends of Blue Hill Bay, wasn’t comforted. He said the most disappointing aspect of the task force report was the lack of potential collaboration between local and state interests in any restructuring of the lease process. He said the report doesn’t lay the groundwork for more locally-based sustainable aquaculture.

“If we want to promote local entrepreneurs, we don’t do that with 500 acres,” he said of the proposed acreage increase.

Eley also was critical of the denial of municipal control over moorings. He said some of the provisions to include “stakeholders” were “token” efforts that don’t change the political atmosphere around aquaculture in the state.

“I think we’re going to continue with the same sort of litigation issues,” he said.

In addition to the content, Eley was disappointed by the speed with which the proposed changes to state law will head to the Legislature.

“There’s no way that within a couple of weeks people can read this and digest it,” he said.

The Marine Resources Committee has set aside time on Feb. 18 to consider any bill coming out of the report.

Sebastian Belle, executive director of the Maine Aquaculture Association, said the critical responses of some environmental interests “are proof positive that they will never be satisfied.”

Belle commended the amount of work the volunteer task force had undertaken. However he did have criticism for some of the recommendations in the final report. Specifically he was concerned by the inclusion of coastal holdings preserved with funds from the Land for Maine’s Future program in the category of public lands that requires the commissioner to consider the impacts on public use up to 1,000 feet from shore.

“I believe this sets a horrible precedent for working waterfront in the state,” Belle said.

Similarly he was concerned about the broader precedent the limitations on noise, light and visual impacts proposed might set for other coastal industries.

Belle said the replacement of public hearings for lease transfers, renewals and experimental leases with scoping sessions wouldn't limit public participation. Indeed, the scoping sessions allow for public participation prior to an application being crafted. That allows an applicant and neighbor to be able to work any differences through before a final plan is committed to print. Formal written testimony that will inform the commissioner's decision will still be taken during a 30-day comment period. Belle reminded that the commissioner could still hold a hearing if he sees fit.

He further noted that he thinks the early scoping session works to the disadvantage of applicants by revealing their plans early on, allowing opponents plenty of time to develop criticisms.

The task force report, in the executive summary, preemptively addresses some of the inevitable criticism of its recommendations.

"The task force acknowledges that this review and the set of resulting recommendations is one step in the process of improving the governance and implementation of aquaculture. Many of these recommendations will require legislative action and others will be reviewed through the Administrative Procedures Act policies, both of which provide for public input. The task force urges members of the public to participate in these processes, in hopes that this report helps to inform the discussions that will ultimately result in sound and reasonable policies for marine aquaculture in Maine," it wrote.

Lapointe echoed that sentiment.

"It's not a Holy Grail to solve all the problems with aquaculture," he said.

Lapointe added that the virtue to the task force report is that it is a set of recommendations that didn't come from the department and didn't come from industry.

"Everybody who's interested should have a look at it," he said.