

MAINE AQUACULTURE ASSOCIATION
SUSTAINABLE SOLUTIONS FOR MAINE'S GROWING FUTURE

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February 28, 2019

The Honorable James F. Dill, Senate Chair
The Honorable Craig V. Hickman, House Chair
Joint Standing Committee on Agriculture, Conservation and Forestry
Cross Building, Room 214
Augusta, ME. 04333

Senator Dill, Representative Hickman, Honorable Members of the Joint Standing Committee on Agriculture, Conservation and Forestry:

Thank you for providing me the opportunity to speak with you this afternoon. My name is Sebastian Belle and I am the executive director of the Maine Aquaculture Association (MAA). The MAA represents the states aquatic farmers and the many infrastructure companies that provide goods and services to our producers. In the year 2018 our members grew products worth over 100 million dollars at the farm gate and employed over 700 Maine citizens.

I stand before you today to testify in opposition to LD 620, "An Act Regarding Licensing of Land-based Aquaculture Facilities". The Maine Aquaculture Association and its member growers are deeply committed to the sustainable use and stewardship of Maine's waters. As aquatic farmers, we have a strong vested interest in healthy aquatic ecosystems, high water quality and a clean environment. The health, welfare and quality of the animals and plants produced by our farms are directly impacted by water quality and the ecosystems in which our farms are literally immersed. That is why our farms are in Maine.

Our members grow aquatic animals and plants in open ocean and land-based farms that in some cases discharge water back into the environment under the strict conditions of National Clean Water Act NPDES permits issued by the State Department of Environmental Protection. Although issued and enforced by the State, NPDES permits are overseen by the federal EPA. If the State is not doing an adequate job of protecting water quality, EPA has the authority to pull either the specific permit or more broadly the State's authority in general, to issue NPDES permits under the Clean Water Act delegation clause. This "double" oversight provides a strong incentive for the State to issue very strict NPDES permits. Indeed, NPDES permits for land-based fish culture facilities in Maine are some of the strictest in the country and the world. Virtually all NPDES permits for land-based fish culture facilities in Maine, irrespective of whether they are public or private, require those facilities to discharge water that is often CLEANER than the water they take in from the environment.

Existing law gives the Commissioner of Agriculture, Conservation and Forestry broad authority to refuse to license and to revoke an existing license if the Commissioner receives information from either the Departments of Inland Fisheries and Wildlife or Marine Resources that the facility in question presents an unreasonable risk to indigenous marine or freshwater life or its' environment. Compare that authority for a moment to what, if any, authority the Commissioners have over the 362 facilities that are licensed by DEP to discharge over 250 million gallons per day into public waters in the state. 162 of those facilities are public wastewater treatment plants licensed to discharge 217 million gallons of septic and household wastes into Maine waters every day. Most of those facilities do not and cannot treat their waste to the same level as is required of a fish culture facility. The commissioners of Marine Resources and Inland Fisheries and Wildlife have no authority over those facilities or the impacts they cause on the environment. In fact, the only ability the Commissioner of Marine Resources has to react to the environmental impacts of those facilities is to close tens of thousands of acres of public waters to seafood harvesting. If the proponents of LD 620 are genuinely concerned about the environment, they should be advocating for the commissioners of Marine Resources and Inland Fisheries and Wildlife to have the same power to advise the Department of Environmental Protection with respect to the licensing of the 362 other discharging facilities in the state. I would also encourage the proponents of LD 620 to join me every year as I advocate before the appropriations committee for more money to upgrade those 162 public wastewater treatment plants. Maine's water farmers would welcome their help at this important effort to improve our environment and protect our aquatic ecosystems.

At best LD 620 will possibly apply to less than five facilities that currently have the strictest discharge standards in the state. Existing law gives the Commissioners of Marine Resources, Inland Fisheries and Wildlife, Department of Environmental Protection and Agriculture, Conservation and Forestry broad authority to refuse to issue or revoke multiple permits their respective agencies must issue before any land-based fish culture facility can operate. LD 620 does nothing to increase those respective authorities or modify the required permits. LD 620 is unnecessary and duplicative of existing law.

I thank you for your attention and patience and would be glad to answer any questions you have.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'S. Belle', written in dark ink.

Sebastian Belle

SMB/rkc