



**Testimony on behalf of the Belfast City Council
In Opposition to LD 620, An Act Regarding Licensing of Land-based Aquaculture Facilities
Before the Joint Standing Committee on Agriculture, Conservation, and Forestry
February 28th, 2019**

Senator Dill, Representative Hickman, and distinguished members of the Joint Standing Committee on Agriculture, Conservation, and Forestry: my name is Thomas Kittredge, and I have been employed as the Economic Development Director for the City of Belfast since 2010. The Belfast City Council, at its meeting of February 26th, 2019 voted unanimously to oppose LD 620, *An Act Regarding Licensing of Land-based Aquaculture Facilities* as it is currently written, and I am here today to present testimony on their behalf.

The language that is being proposed to be added to the existing law, namely “alone in the use of a body of water or in combination with the aquaculture activity of any other land-based aquaculture operations using the same body of water,” is not insignificant.

Our interpretation of this amendment is that now the very real possibility could occur where one aquaculture operation, one who will meet, or who is already meeting, all of the requirements, standards, and thresholds of its relevant licenses and regulations, could still be denied a license to operate, or have its license revoked and be forced to cease operations, due to the potential risks or due to the actual bad actions of another, second aquaculture entity operating within the same body of water, one that otherwise has no relationship or connection with the first aquaculture operation.

If passed as it is currently written, the result of this amendment, whether intentional or unintentional, will be to discourage, prevent, and/or limit the two land-based aquaculture operations proposed to be situated adjacent to Penobscot Bay, namely Whole Oceans in Bucksport and Nordic Aquafarms in Belfast. Regulatory certainty is one of the most critical criteria for businesses when they are making decisions regarding expansion and investment, and this amendment will only serve to introduce uncertainty and inject additional risk into the calculus of whether or not Whole Oceans and Nordic Aquafarms will make their substantial financial investments into Bucksport and Belfast. The regulatory approach being proposed through this amendment could have an especially devastating impact on land-based aquaculture due to both the significant amounts of

initial capital necessary to establish such facilities and the extended period of time, typically multiple years, necessary to produce and sell their product.

In addition to being disadvantageous to potential investment by land-based aquaculture operations, we are also opposed to this amendment simply because it would contribute to the development of an unfair business climate. While we generally support reasonable and thoughtful regulation of all types of businesses, we also firmly believe that a business should be responsible for itself and only itself with regards to those regulations, and when found to be operating outside or against those regulations, then it only, and not another business, should be appropriately corrected and/or penalized. This legislation is diametrically at odds with that perspective. It is patently unfair that one business' ability to operate is beholden to a separate, unrelated business located in a different jurisdiction and its conduct.

If the intent of this legislation is to better address potential cumulative impacts caused by aquaculture operations, we believe it is a poor and unwieldy instrument for achieving that goal. We are confident that the Maine Department of Environmental Protection and other relevant agencies are already sufficiently able to evaluate and plan for any cumulative effects generated by land-based aquaculture operations operating in the same region.

Additionally, we are concerned that the term that is being used in this amendment, 'body of water,' is far too imprecise and we seek further clarification regarding what is truly intended, to allow us to better understand and evaluate the potential impacts of this legislation.

The State of Maine has an opportunity to be on the leading edge of attracting and developing a land-based aquaculture industry cluster. This proposed legislation is sending a troublesome signal to this new type of business that is looking at making major investments into the State of Maine; not only are you subject to complying with the regulations that we establish for your operation, but if a similar operation develops problems, even though you have no control over such, you will lose your ability to operate. Why should a business that is looking to develop a land-based aquaculture operation want to look at Maine under such a risk?

The Belfast City Council strongly urges this committee to vote ought not to pass regarding this legislation, as it is currently written. Thank you.

Respectfully Submitted on Behalf of the Belfast City Council,

Thomas Kittredge
Economic Development Director, City of Belfast