



BAR HARBOR

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OYSTER COMPANY

Bar Harbor Oyster Company
105 Seabury Dr., Bar Harbor, ME 04609

To whom it may concern,

Bar Harbor Oyster Company supports the proposed legislation of LD 1596. Compared to commercial fishing, aquaculture is a relatively new activity and the production methods/gear used are still evolving. Innovation is critical to the continued development of economically viable and ecologically sustainable farming methods. Historically the Department of Marine Resources (DMR) recognized that modifications to gear and operations were an inherent part of the sector and allowed those innovations as long as they did not differ significantly and substantively from the original lease application. Over the last couple of years the DMR has significantly changed its interpretation of state law and tightened up what they consider to be “significant and substantial”. Relatively small changes such as the size of a work float now trigger amendment requirements. Recently the department changed its lease application forms without consulting the aquaculture sector to require much more detail about gear and operations than it previously required. The effect of these two changes (2,3) is that lease holders, for relatively small gear and/or operational changes, have been forced to either apply for lease amendments or repeat the whole leasing process to apply for entirely new leases. The increased detail on the applications will heighten the likelihood that changes to gear or operations will trigger these requirements. Currently the process to get an amendment or new lease can take up to three years and its outcome is increasingly uncertain.

LD 1596 seeks to allow lease holders to innovate while establishing clear thresholds that would trigger the need for a lease amendment. Those thresholds are tied to the type of operation a lease applicant is proposing and potential impacts it may have. The intent of the bill is to reduce the administrative workload on the Department while protecting the public trust and environment. LD 1596 divides aquaculture into three types of operations: surface, submerged and bottom. Amendments would only be required if a lease holder wants to move between certain operational types or the Commissioner of Marine Resources determines that the change being proposed would increase the navigational or environmental risk. LD 1596 also allows for the use of contract divers for the department site review. This provision seeks to help the department with one of its major concerns: having enough staff to conduct site reviews and write site reports in a timely fashion. LD 1596 seeks to allow the use of contract divers to conduct site reviews and deliver the site assessments taken directly to the DMR. The use of contract divers would free up department staff to write site reports in a timely fashion. Currently there is at least a 6 month to one year delay between when the DMR conducts its site review and when the department issues its site report. Often the delay is longer than one year and means that farmers may miss multiple growing seasons before a decision on their lease application. Currently, due to staffing shortages, the department waits until the field season is over before they start writing site reports. By using contract divers the department would free up between 1 and 2 staff to write reports in a timely manner after the site visit was conducted.

Over the last two years DMR and MAA have conducted a series of listening sessions with both aquaculturalists and other stakeholders. In both series aquaculturalists clearly indicated that the backlog of lease applications and the difficulty in getting lease amendments were some of the most serious

challenges to the sector. The DMR has repeatedly indicated that the reason for the lease backlog was lack of adequate staff and a burdensome administrative workload. MAA has repeatedly suggested process improvements and supported the department's budget requests in front of the administration and the legislature's appropriations committee. The department now has more aquaculture staff than it ever has in its history. LD 1596 seeks to help solve some of the administrative and staffing challenges the department itself has identified.

In conclusion, Bar Harbor Oyster Company supports LD 1596. Thank you for your time.

Sincerely,

Joanna Fogg