



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF

Rob Wood, Director of the Bureau of Land Resources

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 508

**RESOLVE, DIRECTING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
TO REVIEW ITS ENVIRONMENTAL PERMITTING LAWS**

SPONSORED BY SEN. GROHOSKI

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

APRIL 20, 2023

Senator Brenner, Representative Gramlich, and members of the Committee, I am Rob Wood, Director of the Bureau of Land Resources at the Department of Environmental Protection, speaking in opposition to L.D. 508.

If directed by the Legislature, the DEP stands ready to examine the statutory and regulatory framework for permitting on-water finfish aquaculture projects and to consider

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

whether on-water projects should be subject to the same regulatory regime as land-based projects. We would do so in consultation with the Department of Marine Resources, which has jurisdiction over leasing of on-water aquaculture projects under Title 12.

However, we do not support the creation of a working group. Working groups, committees and commissions require substantial time and resources from agency staff, even when the Legislative Council provides additional staff support. With appropriate direction, DEP and DMR can evaluate the specific issues the Legislature would like us to evaluate and report back to the Legislature next session. Without a working group, we would be able to report back more quickly, before October 2024.

The issues that DEP and DMR would consider are relatively straightforward. The environmental permitting laws that apply to land-based finfish aquaculture projects that do not apply to on-water finfish projects are the Natural Resources Protection Act (NRPA) and the Site Location of Development Act (SLODA or Site Law). On-water aquaculture is exempt from NRPA and Site Law permitting because it is governed by DMR leasing standards under Title 12. There is substantial overlap between NRPA and Site Law standards and the Title 12 aquaculture leasing standards, though there are some differences; for example, NRPA and Site Law contain more general scenic impact standards and Site Law requires consideration of a project's impacts on local air quality. DEP and DMR could provide a full analysis and comparison of the regulatory requirements for land-based and on-water aquaculture projects if requested by the Legislature.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, both now and at work session.