

2005  
LD ~~2005~~ TESTIMONY  
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GOOD AFTERNOON. MY NAME IS CAPT. MIKE FAULKINGHAM. I WAS BORN IN DAMARISCOTTA, GREW UP IN ALNA, AND AM NOW A RESIDENT OF SOUTH PORTLAND. I'M A LICENSED CHARTER CAPTAIN, REGISTERED MAINE GUIDE AND THE OWNER OF FISH PORTLAND MAINE SALTWATER CHARTERS. I'M A FULL TIME FLY AND LIGHT TACKLE FISHING GUIDE OFFERING FISHING TRIPS IN NEAR COASTAL AREAS AS FAR SOUTH AS THE SACO RIVER AND AS FAR NORTH AS THE KENNEBEC RIVER. I'M ALSO PAST PRESIDENT OF THE MAINE ASSOCIATION OF CHARTER BOAT CAPTAINS AND HELD THE RECREATIONAL SEAT ON THE GOVERNOR'S COMMITTEE FOR MARINE RESOURCES FOR A THREE-YEAR TERM.

AS A FIERCE SUPPORTER OF BOTH GOOD STEWARDSHIP PRACTICES OF OUR MARINE RESOURCES AND AN ADVOCATE FOR SMALL BUSINESSES IN MAINE, I SHOULD START BY STATING THAT I AM GENERALLY A STRONG PROPONENT OF THE BURGEONING AQUACULTURE INDUSTRY IN MAINE, BOTH FROM AN ECONOMIC DEVELOPMENT STANDPOINT, AND BECAUSE I RECOGNIZE THE VALUE THAT OYSTERS IN PARTICULAR REPRESENT IN CLEANING OUR WATERS, AND ALSO THE WAY BOTH SEAWEED AND MUSSEL FARMERS OFFER YET ANOTHER ALLY IN THE ONGOING BATTLE TO IMPROVE THE HEALTH OF THE WORLD'S – AND IN PARTICULAR MAINE'S OCEANS.

IT'S MY OPINION THAT LD 2605 IS NOT THE RIGHT ANSWER TO THE INCREASING CHALLENGES POSED BY THE GROWTH OF AQUACULTURE AND ASSOCIATED AQUACULTURE LEASES. IN PARTICULAR THERE ARE THREE AREAS OF MAJOR CONCERN TO STAKEHOLDERS IN THIS DOCUMENT: THE FIRST IS THE PROPOSED INCREASE IN THE NUMBER OF INDIVIDUAL REQUESTS REQUIRED TO HOLD A HEARING. THIS ACT PROPOSES INCREASING THAT REQUIREMENT FROM FIVE INDIVIDUALS TO 25 INDIVIDUALS. IT'S MY UNDERSTANDING THAT THIS CHANGE IS PROPOSED IN RESPONSE TO THE FACT THAT HEARINGS THAT ARE OFTEN REQUESTED, THEN ARRANGED, SCHEDULED AND HELD BY DMR, BUT WHICH ARE THEN NOT ATTENDED BY THE REQUESTING PARTIES – AND IN SOME CASES BY ANYONE AT ALL. THIS IS *INCREDIBLY* FRUSTRATING, AND ULTIMATELY A SIGNIFICANT WASTE OF TIME AND RESOURCES FOR THE STAFF OF THE DMR. AND AS IRRITATING AS THAT IS, I'M CONVINCED THERE'S A BETTER WAY TO HANDLE THE SITUATION THAN BY INCREASING THE REQUIRED NUMBER OF HEARING REQUESTS BY A FACTOR OF FIVE. DESPITE THE ACTIONS OF HEARING-REQUEST SCOFFLAWS, MY GREATEST CONCERN IS THAT IF ONE, TWO OR EVEN SEVEN PEOPLE *WERE* TO HAVE A LEGITIMATE CONCERN BUT COULD NOT MUSTER THE QUORUM FOR A HEARING, THAT THEIR CONCERNS MIGHT GO UNHEEDED.

THE SECOND CHANGE – AND THE CHANGE OF MOST CONCERN TO ME IN THIS BILL – IS THE PROPOSAL TO REMOVE THE FULL APPLICATION PROCESS WHEN A LESEE IS TRANSITIONING FROM A LIMITED-PURPOSE TO A STANDARD LEASE.

THE DEFINITION OF A “LIMITED PURPOSE” OR “EXPERIMENTAL” LEASE ON THE DMR'S WEBSITE STATES THAT “THESE LEASES ARE GRANTED WITH FEWER APPLICATION REQUIREMENTS AND

DO NOT REQUIRE THE SAME LEVEL OF REVIEW AS STANDARD LEASES." IF THIS IS TRUE, THEN IT WOULD STAND TO REASON THAT A FULL AND COMPREHENSIVE SURVEY OF ALL PHASES OF THE APPLICATION PROCESS BE CONDUCTED ON ANY LONG-TERM LEASE. THESE ARE *TWENTY-YEAR* LEASES; RECEIVING APPROVAL FOR ONE SHOULD REQUIRE A RIGOROUS PROCESS FOR DETERMINING THE IMPACT IT WILL HAVE ON THE AREA, INCLUDING PLANT AND FISH LIFE, NAVIGATION, FISHING AND FOWLING AND ITS OVERALL LONG-TERM PROSPECTS FOR SUSTAINABILITY.

MY FINAL CONCERN IS WITH THE PROPOSED REDUCTION IN REQUIRED PUBLIC NOTIFICATIONS OF A SCHEDULED HEARING. TO THE BEST OF MY UNDERSTANDING, CURRENT REQUIREMENTS MANDATE THAT A HEARING BE PUBLICIZED AT LEAST TWICE IN A PUBLICATION OR PUBLICATIONS THAT SERVE THE IMPACTED REGION. ONCE AGAIN, I FULLY COMPREHEND AND APPRECIATE THE CHALLENGE IN RELIABLY REACHING THE GREATEST NUMBER OF POTENTIAL STAKEHOLDERS. I ALSO RECOGNIZE THAT LOCAL AND REGIONAL WEEKLIES *DO* STILL REPRESENT A RELIABLE SOURCE OF INFORMATION FOR COMMUNITIES NOT WELL-COVERED BY THE DECREASING NUMBER OF LARGE NEWSPAPERS AVAILABLE IN MAINE.

IT IS CLEAR THAT AQUACULTURE IS HERE TO STAY. IN SOME WAYS, ITS EXPLOSIVE GROWTH HAS COME AS SOMETHING OF A SURPRISE TO GOVERNMENT BOTH AT STATE AND LOCAL LEVELS, TO ANGLERS, TO COMMERCIAL FISHERMEN, AND TO ALL OF US WHO SHARE AND USE NEAR-COASTAL AREAS. AND WHILE THAT GROWTH IS A NET POSITIVE, MANY OF US ARE LEFT SCRAMBLING TO FIGURE OUT HOW TO BEST INTEGRATE AQUACULTURE WITH THE NUMEROUS

OTHER CURRENT USERS OF OUR COASTAL ENVIRONMENT. IT'S INCUMBENT UPON US TO  
MANAGE IT THOUGHTFULLY AND THOROUGHLY. WHILE LD 2605 ATTEMPTS TO STREAMLINE  
THE PROCESS OF LEASE REVIEW AND TO ADDRESS SOME OF THE ATTENDANT CHALLENGES, IT  
IS TOO MUCH TOO FAST, AND SHOULD BE RECONSIDERED AND RE-SUBMITTED.