



Testimony
of

Daniel R. Devereaux

in opposition to

LD1146 An Act To Protect Maine's Ocean Waters and Support Regulatory Oversight and the Long-term Health of the Aquaculture Industry

Senator Miramant, Representative McCreight, distinguished members of the 130th Maine Legislatures Joint Standing Committee on Marine Resources hello again. I'm speaking today in opposition to *LD 1146 "An Act To Protect Maine's Ocean Waters and Support Regulatory Oversight and the Long-term Health of the Aquaculture Industry"*. My oral testimony omits part of my written testimony out of respect for the committees time. My testimony would extend well beyond the allotted time for oral testimony.

My name is Daniel R. Devereaux, some of you know me from my airboat testimony yesterday on behalf of the Town of Brunswick. Today I'm testifying on my own behalf as a Brunswick resident, coastal landowner and one of the owners of my families oyster farm in Maquoit Bay. Thank you for giving me the time to speak today. I have been working in some capacity or another along the Brunswick, Freeport, Harpswell coastline since 1991. My work has always required me to be on or near the ocean and often times working on shellfish related issues.

In 2016 my sons and I started farming oysters in Mere Point Bay. By 2018 we had combined our efforts with another family, Doug Niven and his two sons, both of whom were experiencing declines in their summer commercial lobster catches, and we formed Mere Point Oyster Company. My sons and I have been involved with the local municipal shellfishing program for years, as I was the shellfish warden until 2018. Both boys participated in the local student shellfishing program throughout high school and loved the independence of working on the water, however the

likelihood of obtaining a commercial license to continue this independent work is slim. In 2018 Mere Point Oyster Company applied for a standard lease and were eventually granted a lease in 2020 to farm oysters and other shellfish in Maquoit Bay.

Our families have lived, worked, fished, and recreated on the bay nearly our entire lives. Over those years we have witnessed many ecological changes. With ocean acidification, invasive species and seawater temperature rise, shellfish production in Maquoit Bay has been steadily declining. One way for our families, who live right here on the bay, could give back to our coastal community was to farm shellfish. The eco-systems services oysters and other shellfish provide is undeniably good for water quality, biodiversity and supporting submerged vegetation which is great nursery habitats for finfish and lobster.

We thought we were careful when positioning our farm in most ecologically responsible area bay, shallow enough where there was hardly any commercial or recreational lobstering, outside of any critical intertidal habitat, and is seldom used by other boaters. Using this criteria landed us directly in the center of the Bay, 1100 feet off the shoreline in 8 to 10 feet of water at low tide. Directly in the view shed of residents along Mere Point. To help in notifying area residents of our expansion plan we sent invitations asking them to stop by our barn and talk about the plans. We also made several attempts to talk to fishermen from the closest wharf nearly 7 miles away. It wasn't until the our lease application was submitted to the state and public notification was made that we started to get complaints about our proposal from the wealthy seasonal landowners that are fortunate to have private piers, private docks and private moorings in a on Maquoit Bay.

Before we knew it we had teams of lawyers asking us, but mostly DMR about our application, wanting to change the rules, and shortly thereafter came the hiring of a high powered public relations firm. They had petitioned the town council to have me removed from my job with the town, sadly enough for those people, I didn't leave my job and I'm not stopping my family from farming oysters. Every bit of effort was spent trying to stop our oyster farming proposal in Maquoit Bay simply because it was in the view shed of a few rich fellas second or third homes along the coast.

Regardless, onto the lease hearing we go determined to make oyster farming a sustainable business. A business that allows younger generations of Mainers to have the opportunity to work on the waters around the Brunswick. A business that we can pass down to our sons as they continue to gain experience in all the aspects of running a family business and oyster farm. A business that provides for climate adaptation, mitigation and coastal resilience. Most all commercial fisheries are now limited entry and will continue to get more and more limited as resources become less available.

After nearly 16 hours of testimony and over 3 volumes of public record nearly year and half later MEDMR granted our oyster farming lease. As of today our lease application is still tied up in the Judicial Branch with the opposition appealing the DMR and lower courts decision to grant the lease. The court arguments are eerily similar to what's proposed in this bill.

Leading me to believe these same wealthy landowners are at the core of this legislation. Protect Maquoit Bay has evolved into Protect Maine Fishing Heritage. Don't let this group hoodwink the legislature like they have done to so many unknowing people. This bill is intended to disrupt the continued orderly development aquaculture and in no way protects the health of maine aquaculture. These are dark money efforts by the wealthy elite to eliminate any future aquaculture development where they don't want it.

On the specifics of why the face of this legislation does not pass muster in my eyes.

- Based on the deceptive practices used by the group heavily supporting LD1146 when they have opposed other aquaculture leases, make the motives of this bill suspect.
- The bill is deceptive and claims to target only larger farms but will establish regulations that will have lasting impacts on all farms regardless of size.
- The bill is deceptive in its portrayal that MEDMR and the State are not already engaged in process to help continue the orderly development of aquaculture in Maine. The State has conducted 23 aquaculture studies over the last 35 years, 13 of which have focused on policy issues around

aquaculture development and the leasing system. As a matter of fact there is 10 year aquaculture road map being development now through the University of Maine SeaGrant Program.

- The bill is deceptive it demands upon expiration or transfer the lease revert to the state. what they don't say is without lease renewal and transferability the value of an aquaculture business is drastically reduced. It will prevent growers from obtaining loans and expanding their production.
- More Review?? The bills deceptive it portrays that lease applications are not regulated. This is not the case, growers already go through rigorous review by local, state, and federal regulatory agencies. Requiring lease applications to go through additional reviews under laws designed for upland development is uncalled for, redundant and simply not appropriate for siting aquaculture farms.
- Reducing the size limit of aquaculture leases in Maine will have a devastating impact our aquaculture business. At Mere Point we are working to scale to a sustainable size, provide jobs for our family and local folks, and help to build long term sustainable livelihoods on the coast that we can all be proud of.

For all these reasons I would urge you to vote "ought not to pass". The fishing & aquaculture industry, and all working waterfronts should be propped up and supported, not divided amongst one another. A rising tide lifts all ships. This legislation is designed to do just the opposite.

Respectfully Submitted,

Daniel Devereaux

Daniel R. Devereaux
362 Maquoit Bay Rd,
Brunswick, Maine 04011

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Mere Point Oyster Company

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