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February 1, 2024

Committee on Marine Resources
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

RE: Friends of Casco Bay Testimony in Opposition to LD 2065, An Act to Amend Maine's Aquaculture Leasing Laws

Dear Senator Reny, Representative Hepler, and Distinguished Members of the Committee,

Friends of Casco Bay respectfully opposes **LD 2065, An Act to Amend Maine's Aquaculture Leasing Laws** and respectfully requests that the Committee vote that the bill Ought Not to Pass **as written**. As written, this bill weakens critical public process components of Maine's current aquaculture leasing laws. We respectfully ask this committee to consider setting the number of persons who need to request a hearing at a number between 5-10.

Friends of Casco Bay is a marine stewardship organization formed in 1989 to improve and protect the environmental health of Casco Bay. We monitor the health of Casco Bay, and use that data to inform our advocacy and engage our communities in efforts to protect the health of our coastal waters. According to the Department of Marine Resources Aquaculture Map, Casco Bay has a good number of aquaculture leases.¹ Our concern is not with the presence of these leases, but rather with the public process that is critical to understanding how these leases affect other users. We fear that as the number of leases increases overtime, which it will, and the Bay continues to change, which it will, that we and others will not be able to request a hearing to consider the cumulative impacts of leases and the changing water quality conditions of the Bay if the number remains at 25.

Increasing the Public Hearing Threshold

LD 2065 increases the threshold for when a hearing must be held at the request of the public from 5 persons to 25 persons for both lease renewals and limited purpose lease applications, as well as establishing that same 25-person threshold for conversion of a limited purpose lease to a standard lease. A 25-person hearing request requirement will, in certain instances, virtually eliminate the opportunity for the public to be involved in a process that materially affects the public.

¹ It is difficult to count the exact number from the map.

Over the course of 20 years,² it is likely that significant ecological and environmental changes have taken place in the area of a standard lease. Oftentimes public testimony includes that from a handful of experts, long-time residents, and other users of the area with expert knowledge of changes that have taken place. This input is crucial, especially when the site was evaluated 20 years prior. For a variety of reasons it is highly unlikely that 25 people will request a hearing in these circumstances, in essence barring expert and local knowledge of a lease area.

This 25-person threshold is also being recommended for implementation during the new process of converting a limited purpose lease to a standard lease.³ A limited purpose lease can be issued for up to 4 acres and up to 3 years.⁴ Therefore, a short-term lease can become a long-term standard lease without the public input required for the current standard lease process. Again, the opportunity for the public to provide input on these leases is crucial. When public input is provided, it is still within the discretion of the agency to determine how that information applies to the lease application.

To ask that 25 people request a hearing in both of these circumstances erodes the public process that is critical to our democracy. While we sympathize with the Department as it carries out its duties with minimal staffing and funding, we believe a lower number will make the aquaculture leasing process easier for the department while still being accessible to the public.

For the foregoing reasons, we respectfully request that LD 2065 Ought Not to Pass as written, and that the Committee consider setting the number of persons who need to request a hearing at a number between 5-10. Thank you for considering our comments.

Sincerely,



Heather Kenyon, Science and Advocacy Associate
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² Standard leases can also be issued for up to 100 acres 12 MRS § 6072(2)(F).

³ This new process is also being proposed in this bill. We agree with other protections that are being recommended for this new process, such as requiring the consent of municipal officers if the lease is located in the intertidal zone of a municipality with a shellfish conservation program as well as requiring written permission from every owner of riparian land whose land to the low-water mark will be used. A clarification we seek is whether the written permission of owners of riparian land is required only in municipalities with a shellfish conservation program or if it's required any time the lease is located in the intertidal zone.

⁴ 12 MRS § 6072-A(3)-(4).