

MARINE RESOURCES COMMITTEE

Town of Bar Harbor

Approved minutes
Special Meeting
Wednesday, July 28, 2021

CALL TO ORDER – 4:05 p.m. Hadley Point in-person

Present: Chris Petersen (chair), Matt Gerald, Joanna Fogg, John Avila, Natalie Springuel, Scott Swann.

Chris Wharff (Harbormaster).

Guests: David Dunton, Tony Preston-Schreck, Rowan Preston-Schreck.

APPROVAL OF MINUTES - May minutes were unanimously approved

Old Business

A. Clam experiments in Progress. We have put out 5 recruitment (Beal) boxes at 5 sites in Bar Harbor: Otter Cove, Clark's Cove, Windaway Lane, Thomas Island, and Hadley Point East. A few boxes pulled out, but at least one was found and re-deployed. These boxes will be picked up and counted at the end of October.

At 3 sites (Otter Cove, Hadley Point, and Windaway) we also transplanted clams that we had overwintered on one of two aquaculture sites. At each site we put approximately 1500 clams under an approximately 10x10' net (4.2mm mesh). The largest clams that we outplanted, approximately 120 clams per site, were marked along their margin with black permanent markers and put in the areas approximately 2x2' in the middle of the netted area. We should be able to estimate growth rate of these clams from looking at the growth from the edge of the mark. We put rocks under the net to mark this area at two corners.

B. Summary of what we know about Aquaculture projects in Frenchman Bay. There are several aquaculture projects in the bay that are seeking new leases, changing their current leases, or moving from LPA's to standard leases. We quickly reviewed the Maine Department of Marine Resources (DMR) part of the procedure. This includes a draft application, a public scoping session, a completed written application, then a public hearing, followed by a determination by the DMR. We shared what we know about those leases, and decided that in the minutes we would correct any mistakes and include links to the applications. These aquaculture projects include:

- The Frenchman Bay Oyster Company (Graham Platner) has a standard lease proposal, just under 6 acres for both bottom and suspended oyster culture in Sorrento. The full application is in and deemed complete, and a public hearing scheduled for August 9, 3pm in the Sorrento Town Hall. This standard lease will include an area where there have been multiple oyster LPA's to Joc Crothers and Graham for many years.

- Pemaquid Mussel Farms (Carter Newell and Timmy Levesque) have a complete standard lease application in to increase their 8 acre mussel lease to 32 acres. There is no scheduled hearing for this lease.
- Acadia Aqua Farms has two pending leases, both of them deemed complete but without a scheduled hearing.
 - One to try to collect mussel seed off ropes, this would provide them with mussel seed for their bottom leases, currently they have to drag to obtain this seed. 48 acres.
 - One for a standard lease for scallops, suspended using 'ear hanging'. They are proposing to get their spat from wild spat collection. This one combines several LPA's and new areas to make the proposed site. 68.3 acres.
- Ocean Resources (David Quinby) as an application for an approximately 3 acre standard lease in the Jordan River for green sea urchin and oyster aquaculture. There had previously been an LPA for urchins on this site from Ocean Resources.
- The completed applications above can be found at the DMR aquaculture page at: <https://www.maine.gov/dmr/aquaculture/leases/pending/index.html>

New Business

A. Bar Harbor Intervenor status on American Aquafarms proposal

- American Aquafarms salmon farm proposal. American Aquafarms has had their DMR required scoping session and now need to submit a final application. The Bar Harbor Town Council voted to request intervenor status in the DMR process, and has said publicly that they would want to involve the marine resource committee. The draft applications were close to 1000 pages for each of two sets of salmon pens at two locations in Frenchman Bay north of the Porcupines.
 - Because this is a feeding operation (requires external feed inputs), it also needs a discharge permit from the Maine Department of Environmental Protection (DEP). The department has recently determined that this application will not go to a hearing with their board, but will be gone over by staff (see attached *Response to Request for Board Jurisdiction Itr 072321.pdf*). However, in the same letter they also acknowledged the public concern over the project, saying that they would hold public meetings about the project. This project needs a DEP permit because the water being discharged has been affected by inputs (salmon are fed, while bivalve aquaculture does not require supplemental feed). Finally, this project will need an Army Corp of Engineers (ACOE) permit. Several groups have written the ACOE asking that this federal agency go beyond a simple environmental assessment and do an environmental impact statement (EIS). If the project is found to have "significant impact" then they are required to do an EIS.
- We continued to discuss some of the details of what we knew for the American Aquafarms project. The amount of water they are proposing to flow through the pens works out to slightly more than 3,000cfs, larger than most of the rivers in

the area. This amount of water flow is not enough to adequately oxygenate the water for the density of salmon they are proposing (it only covers about 25% of the demand), so they will have liquid oxygen tanks at each of the pen sites and will be bubbling in oxygen to deliver adequate oxygen. The energy from these pumps and other equipment on site will have the two sites running generators that will burn approximately 1000 gallons of diesel fuel per day (a number estimated at one of the online public sessions). Although the closed pen can potentially allow them to recover most of the solid waste, there will be substantial dissolved nitrogenous waste in their output water. They estimate that this will be within the limits of the current status as Class B waters, although any effect of these increased nitrogen levels on the upper bay have not been discussed. The role of nutrients in harmful algal blooms in our area is not currently understood.

- We also talked about some of the broader community aspects of the project – that people value locally owned, small-scale businesses on the water.
- We as a committee will likely be asked by the town to weigh in on the American Aquafarms projects so we should be ready, although it should be several months before any public hearing (there are projects that have had completed applications from 2020 that have not scheduled hearings). With that in mind, we talked about what kinds of resources would be good to review moving forward, including what has happened at the town council. Several of the resources we mentioned are listed below:
- March 16, 2021 – Presentation by American Aquafarms to the town council – their presentation and the question and answer starts at 1:23, and goes until approximately 2:26 with Q&A. (https://townhallstreams.com/stream.php?location_id=37&id=33530).
- Resources for American Aquafarms project. Giulia Cardoso and Jimmy Hanscomb gave a presentation to the town council on April 21, 2021 on fishermen's perspectives on the working waterfront and also on the American Aquafarms proposal. There discussion with the town council can be found at https://townhallstreams.com/stream.php?location_id=37&id=33533 – Giulia starts after minute 25, Jimmy Hanscom on the salmon aquaculture proposal starting at minute 46).
- In addition the major resources that were mentioned at the meeting were:
 - American Aquafarms website <https://americanaquafarms.com/>
 - Frenchman Bay United – a clearinghouse website for many of the individuals and groups that oppose the project. This includes the letter signed by the Bar Harbor Lobster Fleet that we mentioned during the meeting. <https://www.frenchmanbayunited.org/>
 - Letter to the Maine DMR Aquaculture from Acadia National Park superintendent Kevin Schneider dated July 6,2021 with comments for the scoping session. *2021_07_06_ACAD American Aquafarms – DMR.pdf*
- The committee suggested that we focus an upcoming meeting on the proposed activity, and invite at least one member from the town council to attend.

B. Future meetings, parking downtown. Harbormaster Chris Wharff let us know that the town manager was making \$25 parking cards available to town committee members

that are coming downtown for meetings to cover parking. However, with the traffic congestion and difficulty finding parking in town, the group consensus is to keep meetings at Hadley Point while the weather allows.

C. Fall committee work. We will be doing multiple censuses and data collection in the fall. Chris P. gave the following tentative dates for several activities:

i. Tuesday October 5, low tide, 3-5 PM, Population census at Hadley Point with COA marine biology class. This is our common site for census work.

ii. Wednesday October 6, low tide, start at 3:30 or 4 -5:30pm. Population census at Clark's Cove. This site has seen an increase in oysters, and we are interested in censusing oysters as well as quahogs here. Although oysters may have been in the salt pond there for many years, they are now commonly found along the shore from Clark's Cove to Northwest Cove. If we added them to the ordinance individuals would need a town license to harvest. Currently they are being harvested, but we are concerned that this harvesting is being done without a good sense of the regulations around these species. Having these species in our ordinance could help us keep these species as a sustainable population with some harvesting. During the discussion, we reminded everyone that Northwest Cove is closed to harvesting from July 1 – September 30 as a seasonal bacterial closure.

iii. First week of November. Beal boxes will be picked up last week of October into the first week of November, and taken to COA to be processed. The Committee and friends can help count and measure (pending COA covid protocol for visitors). We now have licenses to put them back on aquaculture sites in lantern nets (we would need a transfer permit from DMR with the exact dates), but the aquaculture sites are set for both soft-shelled clams and quahogs.

Next meeting

The committee decided that with work schedules and vacation dates in August, we would wait until September for our next meeting at our regular time (4pm September 15th) and tentatively schedule the meeting for Hadley Point.

The meeting was adjourned at 4:57pm, individuals received an hour of conservation time for attending this meeting.

Respectfully submitted by Natalie Springuel and Chris Petersen