

Lessard, Susan <slessard@bucksportmaine.gov>

---

**Fwd: LD 620**

5 messages

---

**Jason Mitchell** <jmitchell@wholeoceans.com>

Mon, Mar 11, 2019 at 6:45 PM

To: "Lessard, Susan" <slessard@bucksportmaine.gov>, Rich Rotella <rich.rotella@bucksportmaine.gov>

FYI - I can't make the working session meeting tomorrow, but attached is a letter for input. Similar document sent to Dick Campbell.

Best  
J

---

Jason Mitchell  
Whole Oceans Pres & COO  
207-751-3530

---

**From:** Andrea C. Maker <amaker@PierceAtwood.com>

**Sent:** Monday, March 11, 2019 5:28 PM

**To:** kurlykim40@aol.com

**Cc:** Jason Mitchell

**Subject:** LD 620

Hello Kim,

Whole Oceans could use a bit of help. Tomorrow the Ag, Conservation and Forestry Committee will hold a work session on LD 620 (attached and copied below). Also attached is the testimony of Whole Oceans' President, Jason Mitchell. It would be helpful if you could speak with members of ACF in the morning to tell them

(1) the bill isn't needed (the DEP regulates water discharge) and

(2) is a threat to land based aquaculture, such as Whole Oceans, because no one will invest if a license can be revoked based on the bad acts of someone else.

(3) Whole Oceans is closing in on buying the land and starting a \$150 mm project in Bucksport, but if this bill passes, they may have to look at some other state because it will create confusion with the DEP license authority on water quality, and tremendous uncertainty on being able to hold onto a license if someone else has poor performance.

I'll be in the State House in the morning, and you can always call or text me at 776-9500.

Thank you,

Andrea

Senator Jim Dill, Chair

Representative Craig Hickman, Chair

Committee on Agriculture, Conservation and Forestry

100 State House Station

Augusta, ME 04333-0100

Re: LD 620, An Act Regarding Licensing of Land-based Aquaculture Facilities

Dear Senator Dill, Representative Hickman and Honorable members of the Joint Standing Committee on Agriculture, Conservation and Forestry:

My name is Jason Mitchell and I am the President of Whole Oceans, LLC. I am writing in opposition to LD 620, An Act Regarding Licensing of Land-based Aquaculture Facilities.

Whole Oceans is proposing to build a land-based aquaculture facility in Bucksport to raise Atlantic salmon from egg to harvest. The Bucksport Maine site, where the former paper mill operated, has proven to be an ideal site for this project given the existing infrastructure for water intake and outflow, the availability of both fresh and salt water and the welcoming and helpful reception by the community and town leaders as they look to reinvent their economy following the closing of the mill.

Large scale land-based aquaculture may be new to Maine, but it is not new in the global economy. Our facility will incorporate the best practices, the best design and the best equipment we can find based on the experiences of other land-based facilities located in Norway, Sweden, South America, Canada and elsewhere. The United States imports over 90% of the Atlantic salmon it consumes today, and demand is increasing. Long transport of this food creates a big carbon footprint and increases costs to consumers. Whole Oceans looks forward to reducing the carbon footprint and providing a more appropriately priced product on the market for American consumers.

In order to operate in Maine, Whole Oceans is required to obtain several permits from several agencies. These include permits on the importation of eggs from the Department of Marine Resources to ensure no pathogens or disease are introduced into Maine waters by the importation, and to ensure that the possibility of escapement of animals is minimized; permits from the Department of Environmental Protection for the discharges of water to protect water quality and the environment; and the permit that is before you today, a license from the Department of Agriculture, Conservation and Forestry to operate a land-based aquaculture facility. The Land-Based Aquaculture Facility License issued by the Department of Agriculture, Conservation and Forestry is required to give the state the ability to regulate the health of the animal while it is within the facility, and to work to prevent or manage any disease or illness that may occur in the facility. I will also note that if we were discharging into freshwater, we would be required to obtain a permit from the Department of Inland Fisheries and Wildlife. By law and by practice, these agencies work in consultation with each other on the issuance of each of these permits and licenses.

LD 620 proposes language that is duplicative and unnecessary, and we oppose it as it will only create additional bureaucracy at a time when we're trying to establish a fledgling industry in Maine.

The language in Subsection 3 of Section 1 of LD 620 is confusing as it is duplicative of the requirements and oversight imposed on us by the DEP. In November, 2018, the Maine DEP issued a Maine Pollutant Discharge Elimination System (MEPDES) and Maine Waste Discharge License (WDL) to Whole Oceans, (our "Discharge License") based on an extensive and complete application process. Many terms of our Discharge License issued address the concerns that are trying to be addressed in this legislation, LD 620.

For example, the CONCLUSIONS of the permit find that:

- "The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification."
- "The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law."

The permit contains special conditions requiring Whole Oceans to comply with the Department of IF&W and Department of Marine Resource fish health laws, including notification upon detection of a pathogen and approval of chemicals, drugs and preventative treatments. Whole Oceans is required to monitor its effluent at least one time a day for these compounds while they are being used and for a period thereafter.

I believe those requirements address the proposed amendments to the land-based aquaculture facility, and these amendments will create duplicative and therefore, unnecessary requirements on our operation. These are just examples of many, many conditions in our Discharge License that address the concerns raised in LD 620.

The language in Subsection 4 of Section 1 of the bill would allow a Commissioner to revoke the license of a fully compliant facility, if another facility is causing a problem. I would like to point out that through an independent evaluation, the DEP has determined that Whole Ocean's discharge will have no measurable impact to ambient water quality in the Penobscot River at the southern portion of Verona Island. Putting our operation in jeopardy based upon the actions of others is patently unfair. Whole Oceans is on the brink of closing on the land and commencing construction. We have come too far to now run into this significant threat and uncertainty based on the potential actions of others.

Finally, the DEP may reopen our permit at any time based upon new information or changed circumstances in pursuit of their mission to protect the water quality of the Penobscot River and Penobscot Bay. I respectfully submit that the consideration of impact to the receiving waters will be fully and appropriately monitored by the DEP through our Discharge License. Therefore, LD 620 would create confusion over which agency has authority over which aspect of our operations. I respectfully ask you to defeat LD 620.

Thank you for your consideration,

Jason Mitchell

President

**Andrea Cianchette Maker**  
PIERCE ATWOOD LLP

157 Capitol Street  
Suite 3  
Augusta, ME 04330  
PH 207.791.1101  
FAX 207.629.5955


Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101  
PH 207.791.1100  
FAX 207.791.1350

amaker@PierceAtwood.com

BIO:

This e-mail was sent from Pierce Atwood. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it please delete it and notify us as soon as possible.

---

**2 attachments** **getPDF.pdf**  
159K **Opposition to LB620 (W7159454x7AC2E).pdf**  
1076K

---

**Rich Rotella** <rich.rotella@bucksportmaine.gov>  
To: Jason Mitchell <jmitchell@wholeoceans.com>  
Cc: "Lessard, Susan" <slessard@bucksportmaine.gov>

Mon, Mar 11, 2019 at 9:19 PM

Jason,

I will be heading to Augusta tomorrow. Is there anything planned that you would like me to say? Do you have confirmation from Kim that she will be able to attend?

Rich

Sent from my iPhone

[Quoted text hidden]

&lt;getPDF.pdf&gt;

&lt;Opposition to LB620 (W7159454x7AC2E).pdf&gt;

---

**Susan Lessard** <slessard@bucksportmaine.gov>  
To: Jason Mitchell <jmitchell@wholeoceans.com>

Mon, Mar 11, 2019 at 7:39 PM

I believe Rich is going. I can't because of the BEP thing. Hope all is going well. I have been in Houston on vacation since last Wednesday. Back in the office tomorrow. Please give me a call sometime so we can catch up.

Take care,  
Sue

Sent from my iPhone

On Mar 11, 2019, at 6:45 PM, Jason Mitchell <jmitchell@wholeoceans.com> wrote:

[Quoted text hidden]

&lt;getPDF.pdf&gt;

&lt;Opposition to LB620 (W7159454x7AC2E).pdf&gt;

---

**Jason Mitchell** <jmitchell@wholeoceans.com>  
To: Rich Rotella <rich.rotella@bucksportmaine.gov>  
Cc: "Lessard, Susan" <slessard@bucksportmaine.gov>

Tue, Mar 12, 2019 at 6:33 AM

Good morning!

Thanks Rich; a quick read of my memo should prepare you on the major points for the discussion if you do need to provide input; we've tried to communicate off line leading up to the working session, so hopefully there is a shared sentiment in the room!

I do not have confirmation from Kim; but we did send to Dick Campbell also and he did confirm that he'd be there.

Best,

Jason

---

Jason Mitchell  
Whole Oceans  
President & Chief Operating Officer

www.wholeoceans.com  
jmittell@wholeoceans.com  
207-751-3530  
619-322-2344

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

1. the bill isn't needed (the DEP regulates water discharge) and
2. is a threat to land based aquaculture, such as Whole Oceans, because no one will invest if a license can be revoked based on the bad acts of someone else.
3. Whole Oceans is closing in on buying the land and starting a \$150 mm project in Bucksport, but if this bill passes, they may have to look at some other state because it will create confusion with the DEP license authority on water quality, and tremendous uncertainty on being able to hold onto a license if someone else has poor performance.

I'll be in the State House in the morning, and you can always call or text me at 776-9500.

Thank you,

Andrea

Senator Jim Dill, Chair

Representative Craig Hickman, Chair

Committee on Agriculture, Conservation and Forestry

100 State House Station

Augusta, ME 04333-0100

Re: LD 620, An Act Regarding Licensing of Land-based Aquaculture Facilities

Dear Senator Dill, Representative Hickman and Honorable members of the Joint Standing Committee on Agriculture, Conservation and Forestry:

My name is Jason Mitchell and I am the President of Whole Oceans, LLC. I am writing in opposition to LD 620, An Act Regarding Licensing of Land-based Aquaculture Facilities.

Whole Oceans is proposing to build a land-based aquaculture facility in Bucksport to raise Atlantic salmon from egg to harvest. The Bucksport Maine site, where the former paper mill operated, has proven to be an ideal site for this project given the existing infrastructure for water intake and outflow, the availability of both fresh and salt water and the welcoming and helpful reception by the community and town leaders as they look to reinvent their economy following the closing of the mill.

Large scale land-based aquaculture may be new to Maine, but it is not new in the global economy. Our facility will incorporate the best practices, the best design and the best equipment we can find based on the experiences of other land-based facilities located in Norway, Sweden, South America, Canada and elsewhere. The United States imports over 90% of the Atlantic salmon it consumes today, and demand is increasing. Long transport of this food creates a big carbon footprint and increases costs to consumers. Whole Oceans looks forward to reducing the carbon footprint and providing a more appropriately priced product on the market for American consumers.

In order to operate in Maine, Whole Oceans is required to obtain several permits from several agencies. These include permits on the importation of eggs from the Department of Marine Resources to ensure no pathogens or disease are introduced into Maine waters by the importation, and to ensure that the possibility of escapement of animals is minimized; permits from the Department of Environmental Protection for the discharges of water to protect water quality and the environment; and the permit that is before you today, a license from the Department of Agriculture, Conservation and Forestry to operate a land-based aquaculture facility. The Land-Based Aquaculture Facility License issued by the Department of Agriculture, Conservation and Forestry is required to give the state the ability to regulate the health of the animal while it is within the facility, and to work to prevent or manage any disease or illness that may occur in the facility. I will also note that if we were discharging into freshwater, we would be required to obtain a permit from the Department of Inland Fisheries and Wildlife. By law and by practice, these agencies work in consultation with each other on the issuance of each of these permits and licenses.

LD 620 proposes language that is duplicative and unnecessary, and we oppose it as it will only create additional bureaucracy at a time when we're trying to establish a fledgling industry in Maine.

The language in Subsection 3 of Section 1 of LD 620 is confusing as it is duplicative of the requirements and oversight imposed on us by the DEP. In November, 2018, the Maine DEP issued a Maine Pollutant Discharge Elimination System (MEPDES) and Maine Waste Discharge License (WDL) to Whole Oceans, (our 'Discharge License") based on an extensive and complete application process. Many terms of our Discharge License issued address the concerns that are trying to be addressed in this legislation, LD 620.

For example, the CONCLUSIONS of the permit find that:

- "The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification."
- "The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law."

[Quoted text hidden]

[Quoted text hidden]

Jason Mitchell <jmitchell@wholeoceans.com>  
To: Susan Lessard <slessard@bucksportmaine.gov>

Tue, Mar 12, 2019 at 6:34 AM

Hi Sue!

Sure thing; enjoy your vacation!

I'm on site for 3 full days of design and planning – we've got a packed agenda and lots of people in town to support!

I have your sunglasses! Will drop off while I'm in town and we can catch up!

Best,

J

---

Jason Mitchell  
Whole Oceans  
President & Chief Operating Officer

www.wholeoceans.com  
jmitchell@wholeoceans.com  
207-751-3530  
619-322-2344

---

**From:** Susan Lessard <slessard@bucksportmaine.gov>  
**Date:** Tuesday, March 12, 2019 at 4:30 AM  
**To:** Jason Mitchell <jmitchell@wholeoceans.com>  
**Subject:** Re: LD 620

I believe Rich is going. I can't because of the BEP thing. Hope all is going well. I have been in Houston on vacation since last Wednesday. Back in the office tomorrow. Please give me a call sometime so we can catch up.

Take care,

Sue

Sent from my iPhone

On Mar 11, 2019, at 6:45 PM, Jason Mitchell <jmitchell@wholeoceans.com> wrote:

FYI - I can't make the working session meeting tomorrow, but attached is a letter for input. Similar document sent to Dick Campbell.

Best

J

---

Jason Mitchell

Whole Oceans Pres & COO

207-751-3530

---

**From:** Andrea C. Maker <amaker@PierceAtwood.com>  
**Sent:** Monday, March 11, 2019 5:28 PM  
**To:** kurlykim40@aol.com  
**Cc:** Jason Mitchell  
**Subject:** LD 620

Hello Kim,

Whole Oceans could use a bit of help. Tomorrow the Ag, Conservation and Forestry Committee will hold a work session on LD 620 (attached and copied below). Also attached is the testimony of Whole Oceans' President, Jason Mitchell. It would be helpful if you could speak with members of ACF in the morning to tell them

1. the bill isn't needed (the DEP regulates water discharge) and
2. is a threat to land based aquaculture, such as Whole Oceans, because no one will invest if a license can be revoked based on the bad acts of someone else.
3. Whole Oceans is closing in on buying the land and starting a \$150 mm project in Bucksport, but if this bill passes, they may have to look at some other state because it will create confusion with the DEP license authority on water quality, and tremendous uncertainty on being able to hold onto a license if someone else has poor performance.

I'll be in the State House in the morning, and you can always call or text me at 776-9500.

Thank you,

Andrea

Senator Jim Dill, Chair

Representative Craig Hickman, Chair

Committee on Agriculture, Conservation and Forestry

100 State House Station

Augusta, ME 04333-0100

Re: LD 620, An Act Regarding Licensing of Land-based Aquaculture Facilities

Dear Senator Dill, Representative Hickman and Honorable members of the Joint Standing Committee on Agriculture, Conservation and Forestry:



My name is Jason Mitchell and I am the President of Whole Oceans, LLC. I am writing in opposition to LD 620, An Act Regarding Licensing of Land-based Aquaculture Facilities.

Whole Oceans is proposing to build a land-based aquaculture facility in Bucksport to raise Atlantic salmon from egg to harvest. The Bucksport Maine site, where the former paper mill operated, has proven to be an ideal site for this project given the existing infrastructure for water intake and outflow, the availability of both fresh and salt water and the welcoming and helpful reception by the community and town leaders as they look to reinvent their economy following the closing of the mill.

Large scale land-based aquaculture may be new to Maine, but it is not new in the global economy. Our facility will incorporate the best practices, the best design and the best equipment we can find based on the experiences of other land-based facilities located in Norway, Sweden, South America, Canada and elsewhere. The United States imports over 90% of the Atlantic salmon it consumes today, and demand is increasing. Long transport of this food creates a big carbon footprint and increases costs to consumers. Whole Oceans looks forward to reducing the carbon footprint and providing a more appropriately priced product on the market for American consumers.

In order to operate in Maine, Whole Oceans is required to obtain several permits from several agencies. These include permits on the importation of eggs from the Department of Marine Resources to ensure no pathogens or disease are introduced into Maine waters by the importation, and to ensure that the possibility of escapement of animals is minimized; permits from the Department of Environmental Protection for the discharges of water to protect water quality and the environment; and the permit that is before you today, a license from the Department of Agriculture, Conservation and Forestry to operate a land-based aquaculture facility. The Land-Based Aquaculture Facility License issued by the Department of Agriculture, Conservation and Forestry is required to give the state the ability to regulate the health of the animal while it is within the facility, and to work to prevent or manage any disease or illness that may occur in the facility. I will also note that if we were discharging into freshwater, we would be required to obtain a permit from the Department of Inland Fisheries and Wildlife. By law and by practice, these agencies work in consultation with each other on the issuance of each of these permits and licenses.

LD 620 proposes language that is duplicative and unnecessary, and we oppose it as it will only create additional bureaucracy at a time when we're trying to establish a fledgling industry in Maine.

The language in Subsection 3 of Section 1 of LD 620 is confusing as it is duplicative of the requirements and oversight imposed on us by the DEP. In November, 2018, the Maine DEP issued a Maine Pollutant Discharge Elimination System (MEPDES) and Maine Waste Discharge License (WDL) to Whole Oceans, (our "Discharge License") based on an extensive and complete application process. Many terms of our Discharge License issued address the concerns that are trying to be addressed in this legislation, LD 620.

For example, the CONCLUSIONS of the permit find that:

- "The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification."
- "The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law."

[Quoted text hidden]

6/17/2019

Town of Bucksport, Maine Mail - Fwd: LD 620

[Quoted text hidden]



Lessard, Susan &lt;slessard@bucksportmaine.gov&gt;

---

**Meeting Tuesday?**

4 messages

---

**Jason Mitchell** <jmitchell@wholeoceans.com>  
To: "Lessard, Susan" <slessard@bucksportmaine.gov>

Fri, Mar 22, 2019 at 4:20 PM

Hi Sue

Are you available to meet on Tuesday afternoon?

In addition to a project update, I'd also like to start some TIF discussion?

Best,

J

---

**Jason Mitchell**  
Whole Oceans  
President & Chief Operating Officerwww.wholeoceans.com  
jmitchell@wholeoceans.com  
207-751-3530  
619-322-2344

---

**Susan Lessard** <slessard@bucksportmaine.gov>  
To: Jason Mitchell <jmitchell@wholeoceans.com>

Fri, Mar 22, 2019 at 5:45 PM

I can meet Tuesday afternoon. What time?  
SueSent from my iPhone  
[Quoted text hidden]

---

**Jason Mitchell** <jmitchell@wholeoceans.com>  
To: Susan Lessard <slessard@bucksportmaine.gov>

Fri, Mar 22, 2019 at 6:15 PM

Does 1:30 work?

---

Jason Mitchell  
Whole Oceans Pres & COO  
207-751-3530

---

**From:** Susan Lessard <slessard@bucksportmaine.gov>  
**Sent:** Friday, March 22, 2019 5:45:50 PM

6/17/2019

Town of Bucksport, Maine Mail - Meeting Tuesday?

**To:** Jason Mitchell

**Subject:** Re: Meeting Tuesday?

[Quoted text hidden]

---

**Susan Lessard** <slessard@bucksportmaine.gov>  
To: Jason Mitchell <jmitchell@wholeoceans.com>

Fri, Mar 22, 2019 at 7:44 PM

130 is fine. See you then. Have a good weekend!  
Sue

Sent from my iPhone

[Quoted text hidden]



Lessard, Susan &lt;slessard@bucksportmaine.gov&gt;

---

**meeting**

2 messages

---

**Lessard, Susan** <slessard@bucksportmaine.gov>  
To: Jason Mitchell <jmitchell@wholeoceans.com>

Tue, Mar 26, 2019 at 10:05 AM

Hi Jason -  
Just checking to see if we are still on for 130 today?  
Hope all is going well.  
Sue

**Susan Lessard** | Town Manager  
Town of Bucksport, Maine | Incorporated June 25, 1792  
50 Main Street | P.O. Drawer X | Bucksport, Maine 04416  
207.469.7368, ext. 226 (office) | 207.469.7369 (fax)  
slessard@bucksportmaine.gov | www.bucksportmaine.gov

***Under Maine's Freedom of Access law, all email and email attachments received or prepared for matters concerning Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify this office immediately by return email. Thank you in advance for your cooperation.***

---

**Jason Mitchell** <jmitchell@wholeoceans.com>  
To: "Lessard, Susan" <slessard@bucksportmaine.gov>

Tue, Mar 26, 2019 at 10:32 AM

Sure thing! See you soon!

---

**Jason Mitchell**  
Whole Oceans Pres & COO

207-751-3530

[Quoted text hidden]