

Maine Legislature. Marine Resources Committee 3/25/23

Testimony & QA of Holly Faubel at the March 25, 2023. Public Hearing on [LD 586 An Act to Protect Maine Fisheries from the Effects of Industrial Recirculating Aquaculture Operations](#)

[Chair Cameron Reny] Next up, I believe we have Holly Faubel.

So my name is Holly Faubel. I'm a resident of Maine, My extended family hails from Down East and have made their living lobstering, digging clams & worms, Working in sardine factories since the 1800s. And it's hard but noble work.

And it's work that's going to continue for decades. Because as our catch adapts to complex changes in the ecosystem, our savvy fishermen and harvesters adapt as well. I want to thank the sponsors and co sponsors and the entire marine committee for their efforts to bring this bill forward for consideration. And that's Bill LD 586. Land based aquaculture is such an important new activity for our state. I'm a believer in it. As a matter of fact, I'm an evangelist.

But it's not that you do it. It's how you do it. And how you do it is really important. Maine can and should lead the nation in this activity in a manner that leverages and capitalizes on our working waterfront, our universities, the work ethics of our people, and the knowledge that resides with the men and women who fish and know these waters, we must and can do better.

My background is in research and development and business development. I retired from Intel Corporation as a corporate business developer, working for Intel Capital, where we were putting together the television industry and the computer industry to launch a new business opportunity.

And there are corollaries between what went on in Silicon Valley in the 1990s, and what I'm seeing today, but the difference is, this involves the use of natural resources, as you know, that are in the public domain and are available and should be available for everyone to use and enjoy.

So robust rulemaking is long overdue, as this committee has rightly foreseen with the passage of [LD 1763. \["An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Agriculture, Conservation and Forestry to the Department of Marine Resources"\]](#)

That licensing activity is now under the auspices of DMR, of course, in consultation with other organizations. And that rulemaking is called for a course by Title 12, Part

Nine, Subsection 6085 and in accordance with Title 12 Chapter 375 Sub Chapter Two A.

So as this committee has recognized - because their constituents have long been pointing out - the lack of rules that have led to unnecessary and unfortunate conflicts regarding the Natural Resources held in this public trust, land based aquaculture for finfish, or any other aquatic organism should be a boon to our state.

Instead, what we've seen are very well justified protests from our fishermen, our residents and conservationists. We've seen numerous court actions, local communities, enacting moratoriums in order to try and address the gaps that good rulemaking could fill. This isn't good for the state. It's not good for our fishermen. It's not good for our communities. And it's really not good for this most promising new commercial activity.

The committee is poised and has rightfully....

Committee Chair: Do you have some final thoughts for us?

HF Yes. I have a 20 minute presentation because I tend to work in visuals with lots of charts and graphs and pictures. I will send that to you.

I would also like it to be an interactive discussion. So if either during your work session, or if you want to contact me privately, I would be happy to tell you about what companies like Sustainable Blue is doing. How you can address diseases like IPNV (Infectious Pancreatic Necrosis Virus) which is a ravage for not only the finned fish in our waters, but also eels, clams, and mussels and also how to do that geothermal cooling, that one of the gentleman had had mentioned, you know, how do you call that all kinds of hats? Yeah, many have questions for you. Yes.

[Note2: "IPNV is an etiologic agent of epizootic disease in fish that causes necrotic lesions of the pancreas with high mortality (up to 90%) among salmon fry and fingerlings. Infection in older fish is usually asymptomatic."]

Do you have questions for me? I'd love to address them.

QUESTIONS AND ANSWERS

Doran has a question for you.

HF Yes, Senator.

SENATOR I think it's a question. Okay. I looked in the summary of the bill.

Yes, sir.

And this bill, and it may be just as well for for those sponsors and co sponsors.

But it directs aquaculture operation not to contribute to the degradation of water quality, air quality or overall carbon emissions. And I'm thinking about the the oversight of the DMR and that seems a little bit out of your wheelhouse to determine water quality, air quality, and carbon emissions

Just wondering if this is more of a geared towards DEP, or who oversees the EPA or./.

HF Let me talk just for a second about how this works. When these specific facilities are proposed, what we've been seeing through the last five companies that have been looking for permits is they start with a discharge permit.

Now, one of the questions that was raised was, “Well, are there any examples of where discharge would have been a problem?”,

We could start with Whole Oceans, Unfortunately, Bucksport would have been a great project because they started out doing aquaponics, They were going to send their discharge into a greenhouse, grow veggies, Everyone was going to be happy, Great project.

For some reason, they changed,

I think because they were in competition, perhaps, with Nordic Aqua Farms, and they were trying to raise the amount of fish. And so they said, Well, we're going to take water from the river, which is full of mercury, pump it into our fish growing facility, where it turns from a type of mercury called inorganic mercury to an organic form,[note: methylmercury], which has got a half life of 30 years.

And then we're going to pump that out. And oh, by the way, we're going to combine it with heat from a cogeneration plant that we got going and send that discharge down the river.

And as 20 years worth of of activity showed, through the courts and the state Supreme Court: the only thing that was holding that mercury back from going further into the bay was this was this cold saltwater wall, if you will, that's a big tidal River, you've got big tides coming in and going out. But the reason that that mercury hadn't transferred any further was because of this cold water wall.

Well, the last thing you want to do is, first off, put a whole bunch of mercury into a fish

food prep fish that you're going to try to sell to the consumer to eat. And then you sure don't want to send that mercury farther down the river. I think Becky had already brought up the case of how much warming a Nordic was going to do what case

[Chair] I'm gonna just jump right in here.

Representative Thorne, I think Elena, could you make sure we know all the little bits of this bill? And who's in charge of what? For our work session?

[Chair] Just because we have so many people that want to testify, and I want them all to have a chance. And we will get all of your information for sure. Okay.

HF And yes, I work with with Jim and with Matt. And with Upstream Watch and with a number of Frenchman Bay.

[Chair (laughs)] There you go with your ads again!

HF I'm the resident expert, unfortunately, I retired on on recirculating aquaculture systems.

So I'll tell you all about Sustainable Blue and what they're doing and how they're raising, as you know, 2000 tons of salmon right now. And they can do it with any and they're licensing their technology. So there's about a best practice that could be available to other operators who follow a methodology.

And well, I don't want to take up too much time. So.....

[Chair] Thank you very much for your testimony. Appreciate it.

HF Thank you.

[Chair] Bye bye.