

## DRAFT # 2 (2-15-23)

**PROPOSED REVISIONS:** Language in Black Font is language presented at the Second Reading. Language in **Red Font** identifies text that would be added to the proposed Ordinance amendment presented at the Second Reading. Language in **Blue Strike Through Font** identifies text that would be deleted from the proposed Ordinance amendment presented at Second Reading. Text in **Green Font** is an explanation of why a change is proposed to language presented at the Second Reading.

**Division 21. Marine and Freshwater Aquaculture Operations. (Adopted on --- insert date of Council action ---).**

**Sec. 82-511. Standards for Marine and Freshwater Aquaculture Operations in Intertidal Areas or that are connected to a structure that is connected to shore.**

The City shall allow certain aquaculture operations that occur **entirely** in **the intertidal area of the marine waters, of Belfast Bay and the Passagassawakeag River (City landing to the Head of Tide and bridge on City Point Road) or the intertidal waters of the streams/ rivers that flow into Belfast Bay, such as but not limited to the Wescott Stream, Goose River, or Little River, or that are connected to a structure in the above water bodies that is connected to shore,** subject to the use complying with all of the **following** criteria **identified in this Section.:** **The application of said criteria shall be limited to the following areas: the proposed aquaculture lease area for which an application has been submitted to the Maine Department of Marine Resources, adjacent waters located within 100 feet of the proposed leased area, and the entirety of any structure that is connected to shore.**

- (a) The aquaculture activity does not involve the growing or propagation of harvestable finfish that are reared and harvested entirely in marine waters.
- (b) ~~None of the active aquaculture operations shall occur in the areas identified as the Inner Harbor or the Bridge Harbor; reference Section 82-204.~~ **(Note: While the Inner Harbor area is quite congested, it may be practical to operate a small scale aquaculture operation some areas and to not adversely impact other activities. In short, a blanket exemption is not warranted.)**
- (c) None of the aquaculture operations shall occur in a **locally or federally** designated navigational channel for Belfast Harbor, and the operations shall not adversely impact navigation in the marine waters identified in Division. The Planning Board shall consider the recommendations of the Belfast Harbor Committee in rendering a finding on this requirement.

- (d) None of the aquaculture operations shall have a significant adverse impact on the location of moorings that were active when the permit application is submitted. The Planning Board shall consider the recommendations of the Belfast Harbor Committee **and Harbormaster** in rendering a finding on this requirement.
- (e) ~~If the location of the aquaculture activity operation (the leased area) shall not~~ requires the construction of any **new structures or use of any existing structures** that are connected to shore, **said structures and any attendant equipment or facilities associated with the aquaculture operations that are connected to any structure shall comply with the standards in Sec. 82-204, Piers, docks or other structures projecting into or over a water body or wetland, provided such structures are not subject to the contract rezoning process, or if applicable, Section 82-206.5, Use of contract rezoning for piers, docks or other structures projecting into or over a water body or wetland. and the size of facilities, such as a moored float, that are located in marine waters shall be limited to the minimum size necessary to effectively and safely conduct all operations.** The Planning Board shall consider the recommendations of the Belfast Harbor Committee in rendering a finding on this requirement. **(Note: I would encourage the Board to reconsider the initial recommendation to prohibit aquaculture operations from occurring on structures that are connected to shore. The proposed revised standard would allow the Board and Harbor Committee to consider impacts associated with such an operation pursuant to the Sec 82-204 standards that are now in place. Also, this provision would apply to an aquaculture operation that occurs outside the intertidal area because the structure itself is connected to shore, and because the aquaculture operation (similar to a gangway or float) is connected to that structure.)**
- (f) **If the aquaculture operation (leased area) involves the use of facilities such as a moored float located in the intertidal waters of a waterbody, the size of such facilities shall be limited to the minimum size necessary to effectively and safely conduct all operations. The Planning Board shall consider the recommendations of the Belfast Harbor Committee in rendering a finding on this requirement. (Note: I separated this proposed marine float standard from the above standard (e) that applies to structures connected to shore.)**
- (~~f~~ g) The location of the aquaculture operation shall be marked to minimize conflicts with navigation. The Planning Board shall consider the recommendations of the Belfast Harbor Committee, and shall consider requirements in the Department of **Natural Marine** Resources Permit application in establishing conditions, if any, regarding the marking (identification) of a marine aquaculture operation.
- (~~g~~ h) None of the aquaculture operations shall have a significant adverse impact on water quality. **The Planning Board, in applying this standard, shall strongly consider the findings of the Department of Marine Resources regarding the requested aquaculture lease in rendering its findings.**
- (~~h~~ i) None of the aquaculture operations shall have a significant adverse impact on spawning grounds, fish, aquatic life, or bird or other wildlife habitat. **The Planning Board, in**

**applying this standard, shall strongly consider the findings of the Department of Marine Resources regarding the requested aquaculture lease in rendering its findings.**

- (i- j)** The **applicant for the** aquaculture **activity** operation shall provide evidence to the Planning Board that it can obtain any and all permits required from the Department of Marine Resources ~~or~~ **and** other State agencies.
- (j k)** **The applicant for the aquaculture operation shall provide evidence to the Planning Board that it can obtain the right, title, and interest to use any respective property from any owner of riparian property rights that are included in the proposed leased area.**