



March 20, 2019

Mr. Patrick Keliher, Commissioner  
Maine Department of Marine Resources  
21 State House Station  
Augusta, ME 04333-0021

**Re: Use of Land Based Atlantic Salmon for Lobster Bait**

Dear Commissioner Keliher,

Last week on March 13, 2019, Nordic Aquafarms' Commercial Director Marianne Naess met with Deputy Commissioner Meredith Mendelson to discuss the Department's process for approving the potential use of Atlantic salmon heads, racks and other by-products from Nordic Aquafarms' land-based salmon production facility in Belfast for use as lobster bait.

Based on our discussion and your public statements at the Maine Fishermen's Forum and at other meetings, we understand that the Department generally supports revising the current prohibition of the use of Atlantic salmon as applies to land-based salmon recirculating aquaculture systems (RAS). The requested regulatory language revisions that need to be addressed are detailed in Chapter 24.23, which prohibits the introduction "into the coastal waters of Maine of any dead salmonid fish species or salmon remains, parts or viscera."

We understand that the Department would consider revising Chapter 24 regulations for finfish on comprehensive basis to address the use of RAS salmon as lobster bait, among other issues, in a process similar to that used by the Department last year to revise Chapter 24 shellfish regulations. We understand this process took about 100 days to complete and primarily involved DMR staff and fish health experts.

Nordic Aquafarms therefore respectfully requests that the Chapter 24 review and revision process begin no later than October 2019 in order to have regulatory certainty for final design of the fish processing facility in Belfast. Following the approval of revisions to Chapter 24, including provisions for the introduction of RAS salmon "remains, parts or viscera" into coastal waters of Maine for use as lobster bait, Nordic Aquafarms understands that the company would then submit an application for approving a new source of bait for marine waters is described in DMR regulations Ch. 25. Sec. 11.

Nordic Aquafarms has reviewed Ch. 25.11, which specifies "the Commissioner shall evaluate the level of risk associated with the proposed introduction of a bait source into the marine environment by considering the potential impacts to the marine ecosystem and consumers. Each evaluation shall consider the probable effects of the introduction of the bait into the recipient area, including, but not limited to:



1. The effects of any previous introduction of the same or a similar species in Maine or other areas;
2. The relationship of the species of aquatic organism to be introduced with other members of the recipient area ecosystem; and
3. The potential effects of infectious or contagious pathogens, pests, parasites, or invasive species that might be associated with the species of aquatic organism to be introduced upon other members of the ecosystem of the recipient area.”

Nordic Aquafarms further understands that the Commissioner may establish “conditions necessary to prevent the spread of infectious or contagious pathogens, pests, parasites, or invasive species to aquatic or human populations (and) ... could impose additional requirements including a testing regime, proof of chain of custody, and/or other information as requested by the Commissioner.”

Nordic Aquafarms is preparing a comprehensive application under the Site Law of Development Act, which requires a description of plans to re-use and recycle ancillary products and waste from our production facility to the maximum extent possible.

Nordic Aquafarms respectfully requests that you as Commissioner confirm that DMR will support the process outlined above. Your approval in writing will be an important part of Nordic Aquafarms’ permitting applications to DEP, as well as part of the BEP review process.

Sincerely,

Erik Heim  
President, Nordic Aquafarms Inc.



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  
21 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0021

PATRICK C. KELIHER  
COMMISSIONER

Erik Heim  
Nordic Aquafarms, Inc.  
500 Congress Street  
Suite 500  
Portland, ME 04101

April 4, 2019

Dear Mr. Heim,

I write in response to your letter dated March 20, 2019 requesting an update on the Department's intentions and process for approval of salmon heads, racks and other byproducts for lobster bait.

As your letter acknowledged, DMR Regulations Chapter 24.23 prohibit the introduction of any dead salmonid fish species or salmon remains, parts or viscera to coastal waters of Maine, and a regulatory change would be required to remove this prohibition or create an exemption.

The lobster fishery is facing a significant bait shortage this season, and potentially for future years. Given this reality, I am interested in exploring all options for the safe introduction of alternative bait sources, and intend to open Chapter 24 to make the necessary regulatory change referenced above.

In addition to resolving the Chapter 24 prohibition, the biosecurity practices at the aquaculture facilities from which salmonid waste would be sourced will need to be evaluated and a risk assessment to wild and farmed marine resources conducted. Product proposed to come from these facilities will need to go through the bait review process as outlined in DMR Regulations Chapter 25.11.

The Department appreciates that you are seeking to inform your final facility design phases. While I am unable to commit to a specific timeline for rulemaking this year, please be assured that my staff will work collaboratively with you to review plans in anticipation that these changes will be pursued in the near future.

Sincerely,



Patrick C. Keliher  
Commissioner