

**STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  
BUREAU OF POLICY AND MANAGEMENT**

**In Re: Acadia Aqua Farms, LLC  
Standard Lease Application**

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**Second Procedural Order**

A prehearing conference on the above referenced matter was held remotely on January 4, 2022 at 1:00 p.m. In consideration of the issues raised during the conference and pursuant to Chapter 2.29 of the Department of Marine Resources regulations, the Department issued an initial Procedural Order on January 11, 2022. The Department hereby issues the second Procedural Order in the matter noted above.

**1. Hearing:** The hearing originally scheduled for February 9, 2022 was to be conducted in-person at the Bar Harbor Municipal Building (Town Council Chambers). However, due to capacity considerations and COVID-19, the hearing was postponed to March 28, 2022. Members of the public will be participating remotely via Microsoft Teams and the parties will be participating in-person at the Bar Harbor Municipal Building (Town Council Chambers).

**A. Format:** The hearing will begin at 5:00 p.m. and end at approximately 9:30 p.m. The end time is an estimate and may be extended by the Hearings Officer. If the hearing is continued or postponed it will be held on March 29, 2022 at the same time and format. DMR staff will facilitate both the in-person and remote aspects of the hearing.

**B. Participant List:** The parties need to file a numbered list of the individuals that will be participating in the hearing on their behalf by format (i.e. in-person or remote). For example:

<p>In-person:</p> <ol style="list-style-type: none"> <li>1. Paul Smith</li> <li>2. John Green</li> <li>3. Judith Smith</li> <li>4. Todd Jones</li> </ol>	<p>Remote:</p> <ol style="list-style-type: none"> <li>1. Cameron Jones</li> <li>2. Sally Peters</li> <li>3. Julie Fellner</li> </ol>
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This list is due no later than 5:00 p.m. on February 18, 2022. Given the change in format, a justification for remote participation is no longer required. However, DMR needs to know how persons intend to participate for the purposes of facilitation. It is the responsibility of the parties to ensure that anyone who is participating remotely and offering testimony on their behalf has a reliable internet connection and a device with a working camera and sound, so that everyone can see and hear the person offering testimony. Per venue requirements, anyone participating in-person must wear a mask.

**C. Displaying Materials:** Given the change in format, the parties need to submit a final list of pre-filed materials they intend to screen share no later than 5:00 p.m. on March 7, 2022. Please include the pre-filed exhibit number, any associated instructions, and the name of the person who may be referencing those materials as part of their testimony. For example, “Pre-filed Exhibit 4, share page 5, John Smith.” DMR will screen share all materials for the parties.

**D. Equipment:** Hybrid hearings are facilitated in a manner that does not require persons participating in-person to bring any equipment to participate in the remote portion of the proceeding. Persons participating in-person may bring and use their own personal

devices if they choose. However, the use of personal devices cannot interfere with the conduct of the hearing.

- E. Testimony Time Limits:** The parties have 60 minutes to present testimony. DMR will likely structure testimony from the parties, so that it is taken first from persons participating remotely and then those participating in-person (or vice-versa). The 60-minute time limit cannot be ceded to others and it includes all expert witness testimony. The testimony of expert witnesses had to be pre-filed, so witnesses should briefly summarize their pre-filed remarks. Testimony should relate to the criteria DMR must legally consider in evaluating a standard lease.
- F. Cross-Examination:** The purpose of cross-examination is to ask clarifying questions about testimony or materials presented. The Hearings Officer may place limits on cross-examination if it is repetitious or irrelevant.

## **2. Members of the Public**

**A. Registration:** The deadline to register for the hearing is 5:00 p.m. on March 14, 2021. Any member of the public wishing to offer testimony or ask questions of the parties must register by the deadline. The parties to the proceeding, including expert witnesses do not need to register.

**B. Testimony Time Limits:** DMR will issue testimony time limits for members of the public no later than 5:00 p.m. on March 23, 2022.

**C. Cross-Examination:** Members of the public cannot cross-examine each other. Further parameters governing cross-examination may be issued by DMR.

## **3. Communication**

Questions related to this matter, including general hearing related inquiries should be sent to [DMRaquaculture@maine.gov](mailto:DMRaquaculture@maine.gov). Typical business days/hours are Monday-Friday 7:30 a.m.-5:00 p.m. Inquiries are generally responded to within two business days or less. Please note that response times may vary depending upon the nature of the inquiry. The parties are required to copy each other on any correspondence related to this matter.

Dated: February 15, 2022

  
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Amanda Ellis, Hearings Officer