

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
AQUACULTURE DIVISION**

IN RE: BAILEY COFFIN)	
STANDARD AQUACULTURE)	
LEASE APPLICATION)	CCBIFP FILING OF ISSUES
)	

Pursuant to the procedural orders of the Maine Department of Marine Resources’ (“DMR”), as amended, issued in the above-captioned aquaculture leasing matter, undersigned counsel for the Protect the Passage Intervenors¹, on behalf of the consolidated group of intervenors referred to as “Concerned Citizens of Bustins Island and Flying Point” (“CCBIFP”), hereby submits this filing of issues that will be addressed by members of CCBIFP at the public hearing scheduled to be held on May 23, 2023.

1. **Riparian Owners Ingress and Egress.** The proposed lease will unreasonably interfere with the ingress and egress of riparian landowners. CCBIFP members will present evidence regarding their use and the use of others of the proposed lease area for ingress to and egress from riparian properties on Lower Flying Point, Sow and Pigs Island, and Bustins Island, and how the size and location of the proposed lease area will significantly limit and unreasonably impact riparian owners’ ability to ingress to and egress from their shoreline properties on Lower Flying Point to the west, Sow and Pigs Island just east of the proposed lease area, and Bustins Island to the south. *See* 13-188 C.M.R. ch. 2, § 2.37(1)(A)(1) and 12 M.R.S. § 6072(7-A)(A).

2. **Navigation.** The proposed lease will unreasonably interfere with commercial and recreational navigation both through and around the proposed lease area. CCBIFP members will

¹ The group of intervenors referred to as “Protect the Passage Intervenors” consist of Intervenors Peter Shepard, Karen Shepard, Alison Smith, Rebecca Thacher Clarke, Joshua Nathan Clarke, Island Realty Trust, Abigail Douglas, 75 Merganser, LLC, 71 Merganser, LLC, and Mark B. Peterson.

present evidence regarding how the size and location of the proposed lease area will significantly limit and unreasonably impact their ability and the ability of others to navigate vessels through and around the proposed lease area to reach Lower Flying Point, Sow and Pigs Island, Bustins Island, and other islands, the outer Casco Bay, and other points of interest. CCBIFP members will present evidence regarding their observations and knowledge of other vessels navigating through and around the proposed lease area as well and the unreasonable impact the proposed lease area would have on the navigation of such vessels in and around the proposed lease area, including but not limited to the ability of ferry barges to access a boat ramp on the northwestern tip of Bustins Island. *See* 13-188 C.M.R. ch. 2, § 2.37(1)(A)(2) and 12 M.R.S. § 6072(7-A)(B).

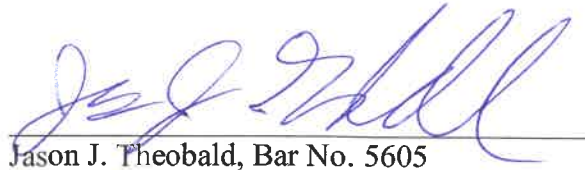
3. **Fishing, Aquaculture, and Other Water-Related Uses.** The proposed lease will unreasonably interfere with fishing, aquaculture, and other water-related uses of the area. CCBIFP members will present evidence regarding both their use and the use of others of the proposed lease area for recreational and commercial fishing, lobstering, recreational boating, kayaking, paddling, clamming, and other aquaculture and water-related uses and how the proposed lease will have an unreasonable negative impact on such uses. *See* 13-188 C.M.R. ch. 2, § 2.37(1)(A)(3)-(4) and 12 M.R.S. § 6072(7-A)(C).

4. **Existing System Support.** The proposed lease area will unreasonably interfere with significant wildlife and marine habitats. The proposed lease will also unreasonably impact the ability of the proposed lease site and surrounding areas to support ecologically significant flora and fauna. CCBIFP members will present evidence regarding the unreasonable negative impact that the proposed lease will have on eelgrass beds in and around the proposed lease area, bald eagle habitats, tidal waterfowl and wading bird habitats, and other wildlife and marine habitats. *See* 13-188 C.M.R. ch. 2, § 2.37(1)(A)(5) and 12 M.R.S. § 6072(7-A)(D).

5. **Lighting, Noise, and Visual Impact.** The proposed uses of the lease site and aquaculture activity will unreasonably interfere with CCBIFP members' quiet use and enjoyment of their respective properties by creating unreasonable amounts of noise, light, and negative visual impact. CCBIFP members will present evidence regarding the significant negative impact the proposed lease will have if Bailey Coffin is permitted to have a large float with lights and a generator on-site within the proposed lease area and if Bailey Coffin is permitted to use a powerwasher on-site for cleaning aquaculture gear and other uses. CCBIFP members will also present evidence regarding the significant negative impact the proposed lease will have if Bailey Coffin is permitted to harvest in the dark or at dusk. *See* 13-188 C.M.R. ch. 2, § 2.37(1)(A)(8)-(10) and 12 M.R.S. § 6072(7-A)(G)-(H).

CCBIFP members expressly reserve the right to amend or supplement this Filing of Issues as this matter progresses and new information comes to light. CCBIFP members expressly reserve the right to raise additional issues at the public hearing based on new or additional information that may come to light prior to or at the public hearing, including but not limited to new or additional issues raised by the applicant in her filing of issues, her participant list, by the applicant's expert witnesses in their pre-filed testimony, or during the public hearing.

Dated: May 16, 2023



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*Liaison for the consolidated group of intervenors
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