



Massachusetts Aquaculture Association

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2009 Regulatory recommendations and their possible effects on aquaculturists What the industry feels is needed

- **Expansion and clarification of M.G.L. CHAPTER 243. ACTIONS FOR PRIVATE NUISANCE, Section 6.** Actions against farming operations; limitations. Some of MAA's greatest concerns involve a town's ability to regulate commercial aquaculture. Current bylaws often supersede state or Army Corps regulations and guidelines. For a town to be pressured by private interest groups to not renew a licensed area after that area has been in production by one grower utilizing the same growing techniques for many years is unacceptable. It undermines the precedence set by years of previous renewals under the same conditions.
 - The industry seeks further clarification of this ruling as it pertains to aquaculture practices in State waters.
 - The industry seeks non-discrimination of farm clause for aesthetics complaints of upland property owners if farm is operating under accepted practices.
 - The industry believes that, "aesthetic disapproval of usage of aquaculture gear" is not a significant factor for rejection in the approval process of prospective sites, if said gear is necessary for the normal farm practices of aquaculture production, does not infringe on the benthos and navigable waters, and follows BMPs.
- **Expansion of rules governing aquaculture production so additional lands may be licensed for commercial production and so alternate, native species may be grown.** These adjustments would greatly expand Massachusetts' aquaculture options and production.
- **Continued support for the Environmental Bond Bill, an integral source of resources for innovation, growth and applied research essential for the sustainable growth of aquaculture.**
- **Support for *The Act Relative to Farmers' Markets*, a bill that would enable responsible shellfish growers with necessary permits to sell aquaculture products at Farmers Markets.** This legislation would direct the Department of Agricultural Resources and the Department of Public Health to streamline regulations around farmers' markets to allow greater participation by shellfishermen, aquaculturists and lobstermen.
- **Continued support of the State Aquaculture Centers through permanent funding of *The Act Relative to Oceans Management*.** The plan, (Chapter 114 of the Acts of 2008) mandates in section 4c (a) "fostering sustainable use". Aquaculture is a sustainable use of Massachusetts' waters. Aquaculture promotes economic growth and enhances the environment. As such, monies derived from mitigation fees should be directed to aquaculture research for the purpose of "fostering sustainable use".
 - The industry believes applicable beneficiaries of such mitigation fees for aquaculture research are: State Aquaculture Centers, Massachusetts Aquaculture Association, Sea Grant, Woods Hole Oceanographic Institute, and Martha's Vineyard Shellfish Group.

Thank you for your considerations toward these matters and for your support on future actions sought to promote and grow the Massachusetts Aquaculture Industry.