

Protect Downeast files court appeal re: Jonesport's decision to move forward with industrial scale fish farm

For Immediate Release

April 10, 2022

(Jonesport, Maine) Protect Downeast, comprised of lobstermen and women, marine harvesters, businesspeople, and concerned environmentalists released its court appeal today of the Jonesport Planning Board's decision to allow the industrial scale Kingfish project to move forward.

The appeal asserts that the Board erred as a matter of law by misinterpreting the Jonesport Land Use Code to find that "functionally water-dependent uses" supersede the Land Use Code's prohibition of "commercial structures" and "industrial structures."

Attorney Beth Boepple from Murray Plumb and Murray said, "The good people of Jonesport sought guidance from the state on this project but at every turn, the state failed them. The state promoted this project that will have a detrimental effect on the coastal waters that provide incomes for multiple marine harvesters. Agencies of the state are pushing hard for industrial scale aquaculture without doing a thorough assessment of the impact it will have on existing and traditional marine related businesses. It could not have been clearer, with every decision the state made, that this project was going forward at any cost."

Boepple pointed to the state's acknowledgement that the water would be degraded, but then relied on one flawed study which found that social and economic benefits to the state outweighed the environmental damage in this coastal community. Protect Downeast cites the Department of Environmental Protection's own determination of the negative effect the Kingfish industrial facility discharge will have on Chandler Bay; including an increase in nitrogen which degrades eelgrass, a critical habitat for marine life. The Jonesport planning board had poor guidance from the state.,

Boepple further stated: "The Board also erred as a matter of law by misinterpreting the water quality standard in its Shoreland Zoning Ordinance. The state found that Kingfish would degrade the water quality of Chandler Bay. That finding alone would have justified the Board, denying approval for the Kingfish facility."

At the end of the day, the Jonesport planning board had stricter guidelines than the state and it chose to go with a lesser restrictive standard which was an error of law.

Please find the filing and press release attached.

Media Contact:
Crystal Canney
Crystal@knightcanney.com
207-615-5968