

**Nordic Aquafarms Public Comment Received in regard to
Kim Ervin Tucker filing for Dismiss/Stay
Planning Board Meeting August 12, 2020**

Comment received via Email

1. Meredith Bruskin sent via Donna Short email - Swanville
2. Paul R. Mazur, MD, MPH - Northport - Includes submission about pathogen in farmed salmon
3. Hannah Tays
4. Judy Kao
5. Ezra Kao
6. Kathryn Shagas - Belfast Business owner
7. Susan Cutting - Belfast
8. Natalie Charles - Belfast
9. Tish and Mike Manning
10. Janie Phillips - Belfast
11. Amanda Cooney
12. Rev. William Weisenbach - Northport
13. Amanda Cooney
14. Nancy Tyndall - Belfast
15. Eileen Wolper - Belfast
16. Cecile Greider - Belfast
17. Jeffrey Mabee & Judith Grace - Belfast
18. Conny Hatch - Belfast
19. Cynthia Stuen - North
20. Sally Brophy - Belfast
21. Frances Pan - Belfast
22. Mike McDonald - Belfast
23. Melissa Kearns - Northport
24. Dr. Karen Kelly
25. Rick Bernasconi - Belfast
26. Maureen O'Keefe
27. Erica Schlueter - Belfast
28. Beverly, and Robert Handwerger, M.D.
29. Deborah Smith - Belfast

30. Andrew E. Stevenson - Includes letter from Friends of Harriet L. Hartley Conservation area. - Belfast
31. William Nelson - Belfast
32. Dr. William Burgess Leavenworth, Ph.D. - Seasmont
33. Jim Merkel - Belfast
34. Deborah Capwell - Belfast
35. Ralph Stanley - Northport
36. Douglas S. Miska
37. Marianne McKinney
38. Cynthia Anderson - Belfast
39. Eric L. Anderson - Belfast
40. Sandra Ruch - Northport
41. Nancy Durand Lanson
42. Diana Newman - Belfast
43. Lew McGregor - Belfast
44. Suzanne Stone - Belfast
45. Leslie S. Moore - Belfast
46. Sally Brophy - Belfast
47. Tangie Abercrombie - Belfast
48. Suzanne Rico - Northport
49. Kathy Muzzy
50. Jason Rawn - Lincolnville
51. John Krueger - Northport
52. Lisa Kushner
53. Sandra L. Haire, Ph. D. - Belfast
54. Penny West - Belfast
55. Kate Harris - Belfast
56. Beverly Crofoot
57. Marshall Rolerson submitted via Jennifer Hill - Waldo
58. Jennifer Hill - Waldo
59. Patricia Edith Kaplan, LCSW, CADC - Belmont - Includes separate document submission
60. Bernard Baker - Belfast
61. Laura Baker - Belfast
62. Aimee Moffitt-Mercer- Belfast - Includes separate document submission
63. Briana Halliwell
64. Christopher and Diana Hyk - Belfast
65. Bonnie Rukin
66. Barbara Klie
67. Paula B. Cannon - Belfast

68. Scot Cannon - Belfast

Comment Received via Standard Mail

69. Karin Spitfire - Belfast

Nordic and comments on Kim Ervin Tucker's motion to dismiss as revised from July 15

donna short <dscampc321@gmail.com>

Sun 8/2/2020 7:33 AM

To: Public Hearing <public@cityofbelfast.org>

Dear Director Marshall:

I am writing to support the concerns expressed in the above motion , about permitting of Nordic Aquafarms proposed project prior to establishing the risks that the new pipeline plan and sediment removal will present to the Penobscot Bay, and our local fisheries.

Please hold all permitting until these four requisite questions are established:

1. Nordic must establish real Title, Right and Interest, to the area proposed for the pipeline, and note that the Maine Superior Court ruled they have not yet proved this.
2. Nordic must conduct sediment sampling to determine mercury contamination BEFORE dredging.
3. Nordic must deliver up-to-date pipeline construction plans for examination and clarification and approval.
4. The Board must take scientific evidence on the implications of the two above findings prior to approval.

It must be said again as well, in these uncertain economic times, it is in Belfast's best interests that there is a bond set for Nordic which will guarantee that any investment failure part way through the project, and any clean up after possible contamination by viruses or other toxic materials, will be the responsibility of Nordic Aquafarm, and not the community and local taxpayer.

Thank you for your attention to this matter.

Sincerely, Meredith Bruskin
Swanville.

Re: Nordic Salmon Farm in Belfast

Paul R Mazur <pmazur@fastmail.fm>

Tue 7/28/2020 7:39 AM

To: Juliet Schoen-Rene Baker <juliet_baker@fastmail.fm>; Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

 1 attachments (153 KB)

New pathogen in farmed salmon;

Plenty of old pathogens in farmed salmon too. I've sent testimony of this problem to DEP. The Penobscot Bay is a closed ecosystem, and a potential Petri dish for farmed fish. Rising water levels and temperatures will promote pathogen spread - period. If you build it, they will come.

Paul R. Mazur, MD, MPH (Epidemiology)

681 Shore Rd.

Northport, ME 04849

On Mon, Jul 27, 2020, at 12:52 PM, juliet_baker@fastmail.fm wrote:

> City Officials and Public:

>

> While I agree with the Hartley Conservation Area's legitimate concern
> over the environmental damage and dubious legality of Nordic's pipeline
> plan, I question the very existence of any Nordic activity in Belfast.
> My partner, an epidemiologist, feels strongly about this whole project
> and has been involved in sharing information with concerned citizens
> and lawyers. Because he is at work, he cannot write to you before 5:00
> PM today. We both believe that the contamination of Belfast Bay and of
> Penobscot Bay will be an inevitable result of such a project.

>

> As well as being concerned about the legalities of shoreline property
> titles, we are deeply troubled by any contamination of ocean water, by
> a copious loss of city water, by deforestation, and by having an
> industry which is not essential and is, in fact, detrimental to our
> entire community.

>

> Thank you,

>

> Juliet Baker

> 681 Shore Rd.

> Northport, ME 04849

>

>

The pathogen tenacibaculosis has been found in farmed rainbow trout and coho salmon from the south of Chile, according to [a paper published](#) by researchers Ruben Avendaño-Herrera, Constanza Collarte, Mónica Saldarriaga-Córdoba, and Rute Irgang in the "Journal of Fish Diseases."

"This is the first documented occurrence of clinical tenacibaculosis in farmed rainbow trout and coho salmon globally, and it extends the known host distribution of this pathogen in Chile," the researchers wrote. "Moreover, we confirm the presence of *tenacibaculum* species in the Chilean Patagonia."

The diseases *tenacibaculum dicentrarchi* and *tenacibaculum finnmarkense* had previously been detected and confirmed in Chilean Atlantic salmon (*Salmo salar*). However, no outbreaks of tenacibaculosis in rainbow trout (*Oncorhynchus mykiss*) or coho salmon (*Oncorhynchus kisutch*) have been reported, either in Chile or globally.

In their investigation, the researchers collected samples from the mortalities recorded for rainbow trout and coho salmon from five marine fish farms located in the Los Lagos, Aysén, and Magallanes regions.

"The diseased fish exhibited cutaneous haemorrhages, tail and peduncle rots, and damage on the mouth and tongue," the paper stated.

Microbiological analysis was performed on infected external tissues, yielding 13 bacterial isolates, which were then identified as members of the genus *tenacibaculum* through biochemical analysis.

"The success and sustainability of Chilean aquaculture largely depends on the control of endemic and emerging pathogens," according to the paper. "These findings highlight the importance of establishing preventative measures to minimize the spread of this disease within the Chilean marine aquaculture industry, as well as the need for monitoring initiatives worldwide in these farmed fish species.

Chile is no stranger to having to fight fish disease. The country's farmed fishing industry was battered from 2007 to 2010 by an infectious salmon anaemia (ISA) outbreak, leading authorities to approve a [five-pillar fisheries and aquaculture law](#) in March 2010.

These included avoiding the introduction of pathogens by controlling the import of eggs; avoiding vertical contamination by screening broodstock and disinfection of tributaries; avoiding the cross breeding of pathogens by ensuring the bio security of ships and processing plants and stipulating fallow periods; the mandatory vaccination of fish before they are put out to sea; and putting in place contingency measures and protocols if ISA or another disease occurs.

"These five pillars guarantee that salmon farming in Chile is sustainable for the future," said Maria Eugenia Wagner, the president of SalmonChile in 2012. "The average weight of the fish is now higher and there is less mortality." The average slaughter weight has increased from about three kilograms per fish in 2009 to about five kilograms in 2012.

In total there were 44 sanitary regulations covering the whole production process. Implementation of the new production system required an investment of more than USD 500 million (EUR 430 million).

Following that crisis, Chilean salmon farming association SalmonChile acknowledged the ISA virus [cannot be eradicated](#) and that occurrences can be expected from time to time. The main issue is how the situation is addressed.

Recently, in July, Salmenes Porvenir, the joint venture between Chilean salmon farming companies Nova Austral and Trusal S.A., a subsidiary of Salmenes Austral – [detected ISA](#) at two of its 16 cages at the Navarro Tres center. The two affected cages contain 172,311 fish with an average weight of 430.4 grams, which are to be culled in the coming days. Navarro Tres holds a total of 1.37 million Atlantic salmon. The total loss to the JV is expected to reach USD 700,000 (EUR 613,000).

In November 2019, Chilean aquaculture authority Sernapesca announced it has notified AquaChile of suspected ISA at the company's Caheuldao center in the Los Lagos region. The presence of the virus was detected by the authority's ISA Virus Surveillance and Control Program, and according to [Biobio Chile](#), 120,000 salmon were removed from the aquaculture center.

NAF PERMITTING PROCESS

HANNAH TAYS <tays01@gmail.com>

Mon 7/27/2020 5:07 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Dear Planning Board,

Thank you all for the time and effort you have spent working to get this important issue right for our town.

I am hoping that you will please stop deliberations on the Nordic Aquafarms' permit reviews until all required-by-law state and federal environmental protection regulations have been met.

NAF has not yet met and abided by every single requirement and legal matter applicable in this situation.

The City of Belfast Planning Board has the power and more importantly, the *OBLIGATION*, to uphold the lawful standards that we all must follow.

I respectfully ask that the BPB stop any further consideration of NAF permits until this applicant has fulfilled *THEIR OBLIGATION* for verifiably completed and legally founded permit applications at the state and federal levels.

Yours truly,

Hannah Tays

Critical information is needed BEFORE more N. A. permit applications are considered!

J K <jkrosebud@gmail.com>

Mon 7/27/2020 5:00 PM

To: Public Hearing <public@cityofbelfast.org>

Dear Planning Board and Director Marshall,
The Belfast Planning Board must refrain from any consideration of Nordic's permit applications **until you receive the following information**. Not to do so is a disservice to our citizens, our precious Penobscot Bay and most importantly our future generations!

The following conditions have yet to be accomplished:

1. **Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and waste water discharge pipelines that Nordic's plant would require.** The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.

On June 22nd, the U.S. Army Corps of Engineers and the U.S. EPA issued a Sampling and Analysis Plan (SAP) requiring Nordic to test the sediments along its current pipeline route for mercury contamination. **These tests have not been completed.**

2. Nordic submits an updated design and construction plan for its current pipeline project. Nordic has changed its pipeline plans three times. **The Planning Board does not have the current pipeline plan.** The plan now before the Board is outdated and inaccurate.

3. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. **Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.**

4. The Board thoroughly considers the test results produced and the fully updated pipeline construction project plan that Nordic must submit, **before** there is any more consideration of permits!

Respectfully submitted,
Judy Kao

Comments on Kim Ervin Tucker's July 15 th motion

Ezra K <wallabreeze@gmail.com>

Mon 7/27/2020 4:59 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: harlteyconservationarea@gmail.com <harlteyconservationarea@gmail.com>

Dear Director Marshall and Belfast Planning Board,

I am writing because it seems too often stakeholders without voices get marginalized and taken for granted. In this case, I am not sure that the nearby bay and ecosystem has the ability to speak up. Size and scale, track record, and independent environmental accountability testing are too important for any community-wide highly sought after resource.

Please add my human voice to many in support for attorney Kim Tucker's filing to stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc until those conditions seeking to protect habitat resources are met. I will always support rigorous standards with projects that have the scale to exploit large areas of water. To see that sediment sampling and analysis is conducted in accordance with requirements by the U.S. Army Corps of Engineers and the U.S. EPA. And that the Belfast Planning Board takes evidence on the implications of the sediment testing results, any plan updates, and consequences that could result from missing scientific info. These factors affect many local habitat stakeholders without voices and who are not in the loop of technology.

Thank you for your time and work.

Respectfully,

Ezra Kao

Comment on Kim Ervin Tucker's July 15 motion

Kathryn Shagas <kathryn@kshagasdesign.com>

Mon 7/27/2020 4:58 PM

To: Public Hearing <public@cityofbelfast.org>

Dear Director Marshall and the Planning Board,

I am a small business owner in Belfast. I wish to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

Over the course of many months I have paid close attention to the Nordic application process and now one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest. A July 7th, 2020 decision by the Maine Supreme Judicial Court in *Tomasino v. Town of Casco* ruled that "Whatever minimum 'right, title, or interest' is required [to have administrative standing to obtain a permit]..., we conclude that, in the face of a dispute between private property owners, that requirement is not met by an easement whose parameters have not been factually determined by a court with the jurisdiction to do so." In Nordic's case, a court of law has not yet made a decision.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Thank you for your time and attention to these important issues.

Sincerely,

Kathryn Shagas
26 Bayview St.
Belfast, ME 04915

Kim Tucker's July 15th motion

Susan Cutting <susancutting@gmail.com>

Mon 7/27/2020 4:12 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

To: The Belfast Planning Board

From: Susan Cutting, Resident of Belfast

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest. My understanding is that the Ekrotas, themselves, have not even put it in writing that they own the intertidal zone.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

We, as a community, must choose a development path that is appropriate for us all. A fish factory at this enormous scale poses real risks for the environment, tourism, and quality of life of our residents. It would be a debacle to allow this to be built in a mature forest, next to the little river, and emitting 7.7 million gallons of water water every day with all that it carries, into our precious bay. Please don't make the mistake of allowing this to happen on your watch.

Respectfully submitted,
Susan Cutting

If you'd like to modify any of the bullet points above, here are additional topical bullet point:

* A July 7th, 2020 decision by the Maine Supreme Judicial Court in Tomasino v. Town of Casco ruled that "Whatever minimum 'right, title, or interest' is required [to have administrative standing to obtain a permit]...., we conclude that, in the

face of a dispute between private property owners, that requirement is not met by an easement whose parameters have not been factually determined by a court with the jurisdiction to do so.” In plain English: it is not enough for Nordic to claim it has sufficient “right, title, or interest” to construct pipelines across the intertidal zone under our protection; a court of law has to decide that it does. That has never happened.

* On June 22nd , the U.S. Army Corps of Engineers and the U.S. EPA issued a Sampling and Analysis Plan (SAP) requiring Nordic to test the sediments along its current pipeline route for mercury contamination. Those tests have not been completed and the results are unknown.

* Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.

* The authorities who wrote the SAP say the risk of mercury contamination is “... moderate to high...” and “...there are documented elevated mercury concentrations in this portion of the Penobscot Bay.” We need to know if mercury is a problem.

Susan Cutting
Belfast, Maine
603-372-2074

Project propose by Nordic Aquafarms

Natalie c <mallard1843@gmail.com>

Mon 7/27/2020 3:56 PM

To: Public Hearing <public@cityofbelfast.org>

Dear Members of The Belfast Planning Board,

Until Nordic Aquafarms can demonstrate that its easement from shoreland owners shows real title, right and interest, until it presents the board with its current pipeline construction plan, and until it conducts testing for mercury contamination and provides the board with sediment testing results and all possible consequences of its current pipeline plan, I respectfully request that you stop action on Nordic's permits.

Thank you for all of the time and effort you have put into this project.

Sincerely,
Natalie Charles
Belfast, Maine

Subject: Comments on Kim Ervin Tucker's July 15 th motion

Tish and Mike M. <mtmanning21@yahoo.com>

Mon 7/27/2020 3:56 PM

To: Public Hearing <public@cityofbelfast.org>

Attn: Belfast Planning Board

We are writing in regard to the deliberations on the Nordic Aquafarm project. We urge you to pause this project until all environmental questions and legal matters have been decided. We are residents who love Belfast and want the best future for our city and its citizens.

We feel it is the responsibility of the city council and planning board to first protect the citizens and the resources of Belfast. We feel there should be no rush to make such a large change to the city, and its beautiful environment, especially as this project will have consequences for future generations.

Thank you for all you do for the City of Belfast.

Respectfully,
Tish and Mike Manning

Nordic Aquafarms

Janie Phillips <janiemainie@gmail.com>

Mon 7/27/2020 3:35 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Dear Members of the Planning Board,

I am joining my voice to the many members of our community who urge you to put an immediate hold on reviewing Nordic Aquafarm's permit applications. Maine Superior Court has yet to rule on the matter of title, right, and interest in the intertidal zone over which Nordic intends to place pipes out into the bay. Nordic has not completed the sediment tests necessary to determine if there is mercury contamination along their proposed pipeline route, and they have not provided up to date information concerning the construction of the pipeline.

Citizens opposing this project have been repeatedly encouraged by the City of Belfast to "trust the process" and let the DEP do its job. At this point, the DEP does not have the necessary information they need to do their job, and they should not issue a permit until they have received and thoroughly reviewed all the information required by their own rules and standards.

It is my sincere hope that the Planning Board will stop further review of Nordic's applications until the pending legal actions have been addressed and the DEP has a complete permit application to review.

Thank you for the work you do for our City and our community.

Janie Phillips

143 Head of the Tide Rd

Belfast

Sent from my iPad

Comments on Kim Ervin Tucker's July 15 th motion

Amanda Cooney <holistichealingsmbs@gmail.com>

Mon 7/27/2020 3:25 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

- 1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.**
- 2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area. The authorities who wrote the SAP say the risk of mercury contamination is "...moderate to high..." and "...there are documented elevated mercury concentrations in this portion of the Penobscot Bay." We need to know if mercury is a problem.**
- 3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading. Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.**
- 4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.**

Respectfully submitted,

**Amanda Cooney
INHC, E-RYT200, RM**

Comments on Kim Tuckers July 15th motion

William Weisenbach <revweisenbach@gmail.com>

Mon 7/27/2020 3:24 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.

A July 7th, 2020 decision by the Maine Supreme Judicial Court in Tomasino v. Town of Casco ruled that "Whatever minimum 'right, title, or interest' is required [to have administrative standing to obtain a permit]..., we conclude that, in the face of a dispute between private property owners, that requirement is not met by an easement whose parameters have not been factually determined by a court with the jurisdiction to do so." In plain English: it is not enough for Nordic to claim it has sufficient "right, title, or interest" to construct pipelines across the intertidal zone under our protection; a court of law has to decide that it does. That has never happened.

2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.

3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully submitted,

**The Rev. William Weisenbach
17 Bay Street
Northport, ME 04849**

*

Comments on Kim Ervin Tucker's July 15 th motion

Amanda Cooney <holistichealingsmbs@gmail.com>

Mon 7/27/2020 3:23 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: harlleyconservationarea@gmail.com <harlleyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

- 1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.**
- 2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area. The authorities who wrote the SAP say the risk of mercury contamination is "...moderate to high..." and "...there are documented elevated mercury concentrations in this portion of the Penobscot Bay." We need to know if mercury is a problem.**
- 3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading. Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.**
- 4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.**

Respectfully submitted,

Amanda Cooney
INHC, E-RYT200, RM

comments on Kim Ervin Tucker's July 15th motion

Nancy Tyndall <milkweedpuppet@gmail.com>

Mon 7/27/2020 3:22 PM

To: Public Hearing <public@cityofbelfast.org>

Nancy Tyndall
32 School Street, Apt. 17
Belfast, Maine, 04915

Director Marshall:

Thank you for the extensive amount of time and deliberation that the Belfast Planning Board is putting into consideration of the permit applications submitted by Nordic Aquafarms, Inc. I believe that every member of the planning board is deeply concerned to make the best decision for the future of our Belfast community, and I appreciate the seriousness with which you are listening to community input while working on this.

As a resident of Belfast, I respectfully submit my support of attorney Kim Tucker's filing of July 14th as revised on July 15th, in which she argues that the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the four conditions which are detailed in the Friends of Harriet L. Hartley Conservation Area signed petition are listed.

Nordic Aquafarms promises to create new jobs, which are indeed desperately needed in Waldo County, with minimal environmental impact. However, they admit that the huge factory fish farm is only expected to be viable for perhaps 30 years, after which Belfast will be left with an expensive de-construction job and unemployed workers once again. We can do much better!! We can be a center for modelling creative new solutions that create new jobs without degrading the environment, attracting visitors who are eager for a vision of a positive future. For example, there exists technology to grow nutrient rich greens year-round in indoor spaces, and generating electricity from waste wood and algae pools! Nordic Aquafarms is a huge experiment, which has never been tried at this scale. Why put all of our money and hopes on this one experiment, which will only be a short term solution even if it succeeds?

We need new solutions, that is certain, but I urge you to determine that this project is not a worthy investment.

Sincerely, Nancy Tyndall

Subject: Comments on Kim Ervin Tucker's July 15 th motion

Eileen Wolper <pebshep@gmail.com>

Mon 7/27/2020 3:04 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Eileen Wolper

1079 E. Waldo Rd

Belfast, ME 04915

attn.: Belfast Planning Board

I support Kim Tucker's July 15th filing in which she argues that you, BPB, must stop further consideration of permit applications submitted by Nordic Aquafarms, Inc.

I feel for you all, as you undertake this huge, complex task. It is complicated enough to consider any one of these as a single business, but to lump together a massive fish feed lot, a sewage treatment plant which will discharge 7.7 million gallons of effluent into our Belfast Bay, a concrete plant, 8 peak shaving diesel generators (NOT "emergency generators"), a dredging operation, massive water use, a construction project that will require extensive excavation due to poor siting, ... whew. All this time and money, and not even with established, lawful right title and interest. And no environmental impact study, so flying blind. And in the middle of unprecedented community division fueled by Nordic's tried and true divide and conquer venture capital strategy, which in the midst of a pandemic, has been truly heartbreaking.

In the name of integrity, I respectfully ask that you stop Nordic's permit review. Until Lawful right title and interest can be proved, it is a waste of your time and our tax dollars. No Title, No Pipe, No Deal.

Sincerely,

Eileen Wolper

Comments on July 15th motions by Kim Tucker

Cecile Greider <cecmck@gmail.com>

Mon 7/27/2020 2:59 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

To Wayne Marshall:

This is written to express my support of the above mentioned filing by Ms. Tucker on July 15, 2020.

Along with many others, I hope that the Belfast Planning Board will insist that further consideration of Nordic Aqua Farm's permit applications be halted until the following conditions, as per Ms. Tucker's filing, have been met.

1. Maine Superior Court rules on the terms of the easement in question.
2. Nordic conducts sediment sampling and testing to determine the risk to the Bay of mercury contaminated soil released during proposed pipeline construction.
3. Nordic provides an up-to-date construction plan for the proposed pipeline.
4. The Board is presented with and considers the results of the testing and sampling as well as the updated construction plan.

I wish that we could know, without a doubt, that everything that Nordic has done to try to get all needed approvals for this project has been above board. While I still would not be in favor of a fish farm in that location, perhaps my level of trust in our state and local permitting bodies would not be so eroded. This has felt, from the first that I knew about it...like a done deal. And if that's the case...and certainly no one in favor of the project would ever say so...how sad that is for all of us.

Sincerely,
Cecile Greider
29 Bridge St.
Belfast

--

Cecile Greider

Letter to the Belfast Planning Board

Jeffrey Mabee <jrmabee@gmail.com>

Mon 7/27/2020 2:47 PM

To: Public Hearing <public@cityofbelfast.org>

7-27-20

Dear members of the Belfast Planning Board,

My wife and I are writing to you to ask you to abide by the 7-7-20 Maine Supreme Court ruling in *Tomasino v. Town of Casco*, which, simply put, says that if there is a TRI dispute, agencies and boards may not process permit applications until that dispute is settled in court. Last September at your first public meeting regarding the NAF application, I stood up and said that if you approved of NAF's plan, you would be approving their trespassing on our land. The city's lawyer told you that he had reason to believe that NAF would win the court case, and that you should proceed. So you proceeded to put in thousands of hours of volunteer work without any proof that their TRI claim was true.

We are tired of this constant litigation and specious counterclaims by Nordic that are meant to run us out of money. If they truly believed that they had TRI, why wouldn't they want this settled as soon as possible? Our intertidal land is now a conservation area, and over \$100,000 in legal fees have been spent by The Friends of Harriet L Hartley, which is the organization responsible for maintaining it.

Judge Murray is giving you the opportunity to decide to do the right and legal thing by ceasing to process Nordic's applications until the TRI question is settled by the court. He has also suggested that we can file an 80C, a review of final agency action, at the conclusion of the permitting process, which indicates a willingness to uphold our objections if agencies ignore *Tomasino*. This, of course, will require more time and money for us but we are confident of success.

Thank you all for your many, many hours of service to our city. We hope you will take this opportunity to take a break and allow the courts to decide whether Nordic's case has the required TRI to proceed.

Sincerely,

Jeffrey Mabee & Judith Grace
290 Northport Ave
Belfast, ME. 04915

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"When you open yourself to the continually changing, impermanent, dynamic nature of your own being and of reality, you increase your capacity to love and care about other people and your capacity

to not be afraid. You're able to keep your eyes open, your heart open and your mind open." -Pema Chodron

NAF permit application

Conny Hatch <connyhatch@icloud.com>

Mon 7/27/2020 2:10 PM

To: Public Hearing <public@cityofbelfast.org>

July 27, 2020

Conny Hatch
20 Bradbury Street
Belfast ME

Attn: Belfast Planning Board

re: NAF permitting process

I first want to thank all of you for your dedication time and effort in helping our city be the very best it can for all of us in all ways.

I want to add my voice to the many who are asking you to please stop deliberations on the Nordic Aquafarms' permit reviews until all required-by-law state and federal environmental protection regulations have been met and legal matters involving TRI have been decided.

Until NAF has met and abided by every single requirement and legal matter, you, as an entity that depends on these basic parameters in order to do your job and protect our city and our citizens, are in no position to proceed with deliberating on the NAF permit applications

The City of Belfast Planning Board has the power and more importantly, the *OBLIGATION*, to uphold the set-in-stone lawful standards that we all must follow.

I respectfully ask that the BPB stop any further consideration of NAF permits until this applicant has fulfilled *THEIR OBLIGATION* for verifiably completed and legally founded permit applications at the state and federal levels.

Sincerely,
Conny Hatch

Comments on Kim Ervin Tucker's July 15th Motion

Cynthia Stuen <cynthia.stuen@gmail.com>

Mon 7/27/2020 2:09 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hhartleyconservationarea@gmail.com <hhartleyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that we must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel strongly the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board's consideration of Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a pre-condition to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling and analysis plan is an assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
(Note: The authorities who wrote the SAP say the risk of mercury contamination is "...moderate to high..." and "...there are documented mercury concentrations in this portion of the Penobscot Bay." We need to know if mercury is a problem.)
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully submitted,

Cynthia Stuen
Northport. ME

Nordic Stopping at Phase 1

Sally Brophy <sallybrophy@icloud.com>

Mon 7/27/2020 1:27 PM

To: Public Hearing <public@cityofbelfast.org>

Please forward this to members of the Planning Board:

There's so much going on these days, it would be easy to miss the news that Nordic Aquafarms has put on hold Phase 2 of their original salmon raising facility in Fredrikstad, Norway. They have admitted that the facility is losing money and are claiming that the way to profitability is by building a bigger facility closer to the customer. What else have they learned with this unfinished project? Here's a quote from Nordic Aquafarms CEO Bernt Olav Røttingsnes to Salmon Business: "We see that on the equipment side it is not worthwhile to buy the cheapest equipment when the facility will last for several years. The facility is characterized by some of the equipment being on the cheapest side."

Will we be hoping Nordic can afford better equipment here in Maine? Last week a couple of loose bolts caused nearly 4 million gallons of wastewater to be discharged into Portland's Casco Bay. Nordic Aquafarms is proposing to construct a wastewater treatment plant, power plant, food processing plant, thousands of cubic yards of soil excavation, a major road diversion and construction project, and a significant pump station and outfall pipe. Each one of these will impact the Belfast Bay Watershed.

The residents of Maine and Belfast need to have 100% confidence in this corporation's capabilities. Nordic has not yet provided a letter of commitment from any lending institution to fund this project, or any evidence of cash equity committed to this project, or a serious financial plan. We can grow the economy here with businesses that have a proven track record for successfully financing and completing projects, Nordic Aquafarms is not one of them.

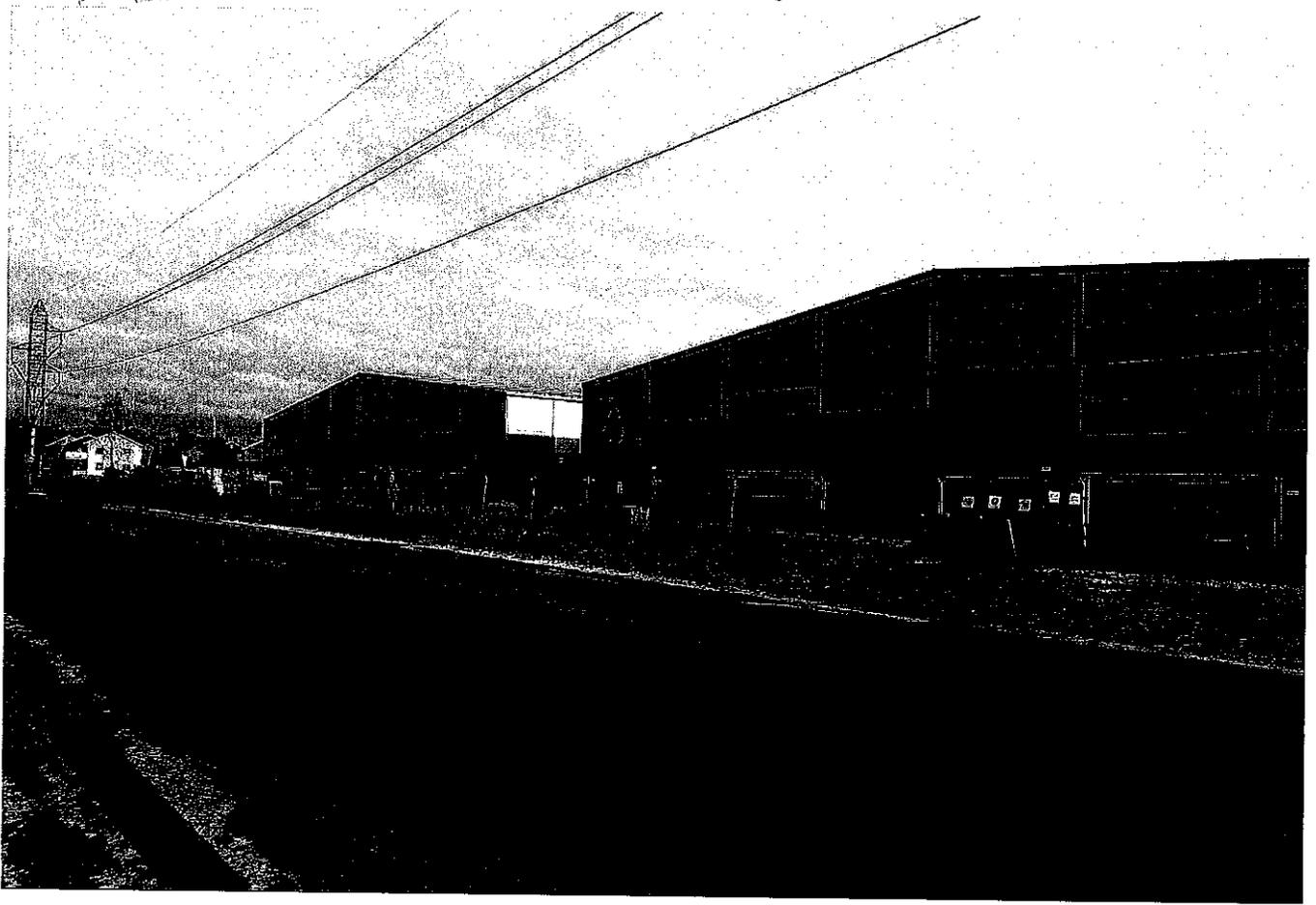
Sally Brophy
Belfast, ME

LINKS:

<https://salmonbusiness.com/you-can-buy-a-land-based-facility-but-it-will-fail-tomorrow-if-you-do-not-have-the-right-people/>

<https://www.pressherald.com/2020/07/24/nearly-4-million-gallons-of-wastewater-discharged-into-casco-bay/>

PHOTO: Nordic Aquafarms has put on hold Phase 2 of their salmon raising facility in Fredrikstad, Norway.



Comments on Kim Ervin Tucker's July 15 th motion

Frances Pan <frananpan@aol.com>

Mon 7/27/2020 1:26 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: Harriet L. Hartley <hartleyconservationarea@gmail.com>

**Mr. Wayne Marshall, Director
City of Belfast Code & Planning
131 Church Street
Belfast, Maine 04915**

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.
A July 7th, 2020 decision by the Maine Supreme Judicial Court in Tomasino v. Town of Casco ruled that "Whatever minimum 'right, title, or interest' is required [to have administrative standing to obtain a permit]..., we conclude that, in the face of a dispute between private property owners, that requirement is not met by an easement whose parameters have not been factually determined by a court with the jurisdiction to do so." It seems to me that it is not enough for Nordic to claim it has sufficient "right, title, or interest" to construct pipelines across the intertidal zone under dispute; a court of law has to decide that it does. That has never happened.

2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.

On June 22nd, the U.S. Army Corps of Engineers and the U.S. EPA issued a Sampling and Analysis Plan (SAP) requiring Nordic to test the sediments along its current pipeline route for mercury contamination. Those tests have not been completed. The authorities who wrote the SAP say the risk of mercury

contamination is "...moderate to high..." and "...there are documented elevated mercury concentrations in this portion of the Penobscot Bay." We need to know if mercury is a problem.

3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.

4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully submitted,

**Frances Pan
49 Village Rd
Belfast, ME 04915**

Nordic Aquafarms Permit

Mike McDonald <belfastbikes@earthlink.net>

Mon 7/27/2020 12:27 PM

To: Public Hearing <public@cityofbelfast.org>

To the Belfast Planning Board;

I am a resident of Belfast writing to ask you to fully consider the long term welfare of the Belfast community before approving the Nordic Aquafarms building permits. I have been following the approval process and it appears to me that certain issues are not be given serious enough consideration. I recognize the concern that the city has for creating a property tax ratable that will alleviate immediate costs for city schools, infrastructure and services but I am also concerned that this becomes a motivation to place too little weight on other important issues.

Notably, I have read that a property owner has demonstrated rights to the intertidal property that would be used for the outflow and inflow pipes. Protecting a resident's legal property rights must be an overriding issue for the city, certainly to the extent of waiting for the court to weigh in before the permits are approved. Further, I understand that there is a particular concern that dredging that will occur could release buried mercury into the waters of the bay, thus risking the safety of seafood that is subsequently harvested from the waters near the surrounding communities. Had the applicant thoroughly tested the sea bed using recommended test procedures prior to submitting their work plan? If not, why would Belfast not insist the applicant do so?

My final concern is for the sustainability of the project as it has been described. The fossil fuel based electricity input cannot be a long-term plan; the electricity requirement for the proposed fish farm is far too large to be supplied by on-site solar electricity generation and we know that we must reduce greenhouse gas emissions starting now, not twenty or thirty years from now. In addition, the fish food that is currently standard in the industry is based in substantially part on a non-sustainable food source, that is ocean forage fish such as herring. Before committing to a food production model based on such inputs, shouldn't we establish a long term plan to be sure that the food being produced is environmentally and economically sustainable?

Thank you for your time and efforts through what must be a difficult process, especially during the pandemic.

Regards;

Mike McDonald
89 Cedar Street
Belfast



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Slow down on the NAF Permits

Melissa Kearns <melissa@mskbusinesssolutions.com>

Mon 7/27/2020 11:30 AM

To: Public Hearing <public@cityofbelfast.org>

Cc: Harriet L. Hartley <hartleyconservationarea@gmail.com>

Dear Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

It seems like permitting for NAF right now is really just putting the cart before the horse—but worse—this has really wounded community—created divisions and heartache that makes me so very sad.

I cannot imagine how hard this is for you—but I really believe it shouldn't be—this is a no-brainer—it doesn't have to be so hard—please press pause.

I grew up in Orrington and just moved back here after living in New York City for 15 years. I remember Holtrachem, the chicken factories and a host of other industrial sites that caused destruction to our natural resources as much as it did the fiber of our communities.

Over the course of my career I have sat in many board rooms and conferences with people who eerily remind me of the NAF leadership and representation I witnessed at the February hearings. It is chilling to see this here—this corporate greed and exploitation that divides a community and cares not for anything but money. This is all about money and it is never worth it and we'll never have enough.

I have seen this all before—It is absolutely heartbreaking to me that this is even possible—that it is happening here in our home—it's like letting the fox into the henhouse.

I never missed a summer on Penobscot Bay sailing, fishing, boating, swimming. For NAF to come in and use the Bay as a discharge site? It is disgusting. Is this really how the Bay should be treated? What about the landowners? Shop Owners? The fisherman? The tourists? they will all be affected by the construction and destruction of this habitat.

As a non-profit executive I was forced to jump through hoops to prove why I deserved money from a donor and how I was going to spend it and the impacts it would have—my teams had years of experience and knowledge in their fields and were paid far less than those in the private sector—we did it for love of the work—not the money. I can't imagine the town taking a risk with a company that has never run a facility of this size nor is it even currently working its site in Friedrekstaad and who's representatives were so smug and entitled and who dangle money in front of us as they have.

[check out this article about this company: https://salmonbusiness.com/you-can-buy-a-land-based-facility-but-it-will-fail-tomorrow-if-you-do-not-have-the-right-people/?fbclid=IwAR06Z1thk4G1BVaJDEJ_WQYEFiGUG64K6W2MgRXXWxEyV7rrBTFFrRPoHeA](https://salmonbusiness.com/you-can-buy-a-land-based-facility-but-it-will-fail-tomorrow-if-you-do-not-have-the-right-people/?fbclid=IwAR06Z1thk4G1BVaJDEJ_WQYEFiGUG64K6W2MgRXXWxEyV7rrBTFFrRPoHeA)

Please; please do not move forward with permitting until they give you a solid plan and they have insurance bonds to handle potential disasters and even the abandonment of this project. If it is about the money—what about an assurance that as they make money—so do we? They are taking our water, our land and our Bay. What do we get for it? a few jobs—tax cuts? I don't buy it. I just don't.

For the last seven years, I was married to a partner in a large construction international company who built projects just like this. I have never seen a half a billion dollar project proposal with so many holes in it. I also saw how greedy and careless people can be about the world and our resources. I left that life—I couldn't imagine living a life that was making money off the backs of their lowest paid workers and through the backroom deals that are in the back for a reason. Truly it is astounding. We have regulations because we learned from mistakes. This just seems so foolish to me.

Wait for the TRI case to be settled. Make them do the proper testing first—get a better plan from these people. It must be understood to what extent the mercury is present and will be affected.

I am flummoxed that a permit is even being entertained at this point.

Please don't let NAF take away that forest, grab up the water—of which there is less and less—only to use the bay as a toilet. I imagine how crass this is for me to write— but that is all I can think of when I imagine their pipes discharging in our bay.

I know this must be hard for you—it is also hard for those of us on this side —can't cool heads and hearts prevail? Wait till you know better about what they are getting us into here.

Please. Press pause on these permits.

Thank you,

**Melissa Kearns
Northport, ME**

Melissa Kearns
Founder, MSK Business Solutions
melissa@mskbusinesssolutions.com
207.577.6159

Motion to stay/Motion to dismiss Re: Nordic request

Rex Kelley <samflip@prexar.com>

Mon 7/27/2020 10:46 AM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by Landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated construction project plan that Nordic must submit.
5. A July 7th, 2020 decision by the Maine Supreme Judicial Court in *Tomasino v. Town of Casco* ruled that "Whatever minimum 'right, title, or interest' is required to have administration standing to obtain a permit...we conclude that, in the face of a dispute between private property owners, that requirement is not met by an easement whose parameters have not been factually determined by a court with the jurisdiction to do so." In plain English: it is not enough for Nordic to claim it has sufficient 'right, title, or interest' to construct pipelines across the intertidal zone under our protection; a court of law has to decide that it does. That has never happened.

6. On June 22nd, the U.S. Army Corps of Engineers and the U.S. EPA issued a Sampling and Analysis Plan (SAP) requiring Nordic to test the sediments along its current pipeline route for mercury contamination. Those tests have not been completed and the results unknown.

7. Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.

8. The authorities who wrote the SAP say the risk of mercury contamination is "...moderate to high..." and "...there are documented elevated mercury concentrations in this portion of the Penobscot Bay." We need to know if mercury is a problem.

Respectfully submitted,

Dr. Karen Kelley

Comments on Kim Ervin Tucker's July 15th Motion

Rick <vtrick@hotmail.com>

Mon 7/27/2020 10:34 AM

To: Public Hearing <public@cityofbelfast.org>

To whom it may concern,

I've been to a number of the meetings designed to provide information about Nordic Farms and have voiced my opinion in a number of different ways against this proposal. It would seem that by law, this application by Nordic Farm should be stopped immediately.

If it only could be possible that individuals making the decision pertaining to the application would just follow the law. Other considerations should be through personal reflection pertaining to the total design and total impact that this Nordic farm proposal would bring to this Community.

Thank you for your consideration, Rick Bernasconi 46 Battery Rd., Belfast ME 04915 207-691-3710

Sent from my iPad

Comments on Kim E. Tucker's July 15 motion

Maureen O'Keefe <maureentokeefe@gmail.com>

Mon 7/27/2020 9:55 AM

To: Public Hearing <public@cityofbelfast.org>

Cc: Harriet Hartley <hartleyconservationarea@gmail.com>

Director Marshall,

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

- 1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.**
- 2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.**
- 3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.**
- 4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.**

Please take these steps of caution before any irreversible action is taken. Our bay, our town, and the livelihood of many is at stake. This is a large company, trying to build one of the largest fish farms in the world in one of the most beautiful small towns in the world. So much is at stake.

Respectfully submitted,

Maureen O'Keefe

www.jeweledhorizons.com

Nordic Aquafarm

schlueter.eric@gmail.com <schlueter.eric@gmail.com>

Mon 7/27/2020 9:19 AM

To: Public Hearing <public@cityofbelfast.org>

Dear Belfast Planning Board and Wayne,

It is my understanding there is an opportunity to pause on the Nordic Aquafarm (NAF) permitting/approval process. I request the Planning Board take that pause.

My dad likes to say hind site is 20/20,

if we knew then what we know now. Had City council taken a pause and not been so quick to rezone a residential zone to an industrial zone so that Nordic Aquafarm (NAF) could start their permitting process when citizens asked to slow down and look into what this industry is all about prior to rezoning. Would we be where we are now? If a pause had been taken and this industry been properly scrutinized and had there been public hearings with the Planning Board prior to the rezoning. What other things could the City have been doing with it's time and money and would the citizens have become so divided?

A lot of things NAF said in the beginning to woo Maine and Belfast have fallen by the wayside (organic non GMO feed 100% sourced in Maine, I recall an architectural drawing with solar panels on all the buildings, quiet Tesla trucks). But I believe NAF was sincere when they said they couldn't recycle the water they would clean before dumping it into the bay because using their cleaned water would put their bio security at risk (this was said at NAF public Q and A meeting and printed in the Free Press 12/6/2018). Industrial accidents do happen, if NAF doesn't want to risk their bio security, for profit, why should Belfast and the State put at risk, at this critical time for the well being of the Earth, the future health of the harbor and environment that no amount of money could fix.

So please take a pause. And take care.

Thank you for your time and consideration.

Erica Schlueter
Belfast

hartleyconservationarea@gmail.com

Robert Handwerger <bevenbob2@yahoo.com>

Mon 7/27/2020 9:09 AM

To: Public Hearing <public@cityofbelfast.org>

subject: Comments on Kim Ervin Tucker's July 15 th motion

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.

2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.

3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully submitted,

Beverly and Robert Handwerger, M.D.

Comments on Kim Ervin Tucker's July 15th motion

Deb Smith <luna4tuna@gmail.com>

Mon 7/27/2020 9:04 AM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Subject: Comments on Kim Ervin Tucker's July 15th motion

Director Marshall:

I am writing to urge the Belfast Planning Board to stop all action on Nordic Aquafarms' permitting until the Maine Superior Court rules who owns the shoreland property needed for its easement.

This ownership is under dispute, and there is no solid evidence that Nordic's applications are based on any real title, right, and interest – and there *is* evidence they do *not* have rights to this.

I support attorney Kim Tucker's filing of July 14th, as revised on July 15th, in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by.

I feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully submitted,

Deborah Smith

67 B Perksins Rd
PO Box 562
Belfast Maine 04915
207-323-3430
luna4tuna@gmail.com

Re: Comments on Kim Tucker's July 15 Motion to Stay/Dismiss

Erica Nealley <planningandcodes@cityofbelfast.org>

Mon 7/27/2020 8:09 AM

To: Andrew E Stevenson <andrewsteve@icloud.com>; Public Hearing <public@cityofbelfast.org>

Cc: Sid Block <sidneyrblock@gmail.com>; Ellie Daniels <ellie1953@hotmail.com>; Ellie Daniels <ellie@greenstore.com>; Jane Earley <jane.c.earley@gmail.com>; jrmabee@gmail.com <jrmabee@gmail.com>; Jason Rawn <rawnjason@gmail.com>; Melissa Kearns <melissa@mskbbusinesssolutions.com>; Janie <janiemainie@gmail.com>

I have forwarded this email to Wayne Marshall, at wmarshall@cityofbelfast.org

From: Andrew E Stevenson <andrewsteve@icloud.com>

Sent: Saturday, July 25, 2020 4:22 PM

To: Public Hearing <public@cityofbelfast.org>; Erica Nealley <planningandcodes@cityofbelfast.org>

Cc: Sid Block <sidneyrblock@gmail.com>; Ellie Daniels <ellie1953@hotmail.com>; Ellie Daniels <ellie@greenstore.com>; Jane Earley <jane.c.earley@gmail.com>; jrmabee@gmail.com <jrmabee@gmail.com>; Jason Rawn <rawnjason@gmail.com>; Melissa Kearns <melissa@mskbbusinesssolutions.com>; Janie <janiemainie@gmail.com>

Subject: Comments on Kim Tucker's July 15 Motion to Stay/Dismiss

Good afternoon, Wayne Marshall and members of the Belfast Planning Board:

Enclosed is our response to the Motion to Stay/Motion to Dismiss filed by Jeffrey Mabee and Judith Grace, through counsel, via e-mail on July 14th and as revised and re-filed on July 15th.

Please consider our request that the Planning Board take no further action on the permit applications from Nordic Aquafarms until four conditions are met.

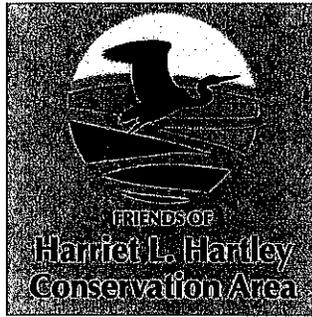
Thank you for all the time and energy you have invested in this important community issue so far. But please: let a court of law determine whether or not the easement granted by the Eckrotes to Nordic Aquafarms gives the company the powers and standing it claims to have before you invest any more.

Respectfully yours,

Andrew E. Stevenson, Secretary

Friends of Harriet L. Hartley Conservation Area

Sidney Block, President
Ellie Daniels, Treasurer
Andrew Stevenson, Secretary
Jane Earley, Director
Jeffrey Mabee, Director
Jason Rawn, Director



*Protecting the Future
of Belfast Bay*

P.O. Box 465
Belfast, Maine 04915
hartleyconservationarea@gmail.com

Friends of Harriet L. Hartley Conservation Area

Mr. Wayne Marshall, Director
City of Belfast Code & Planning
131 Church Street
Belfast, Maine 04915

July 25, 2020

RE: Comments on the Motion to Stay/Motion to Dismiss filed by Kim Ervin Tucker, July 14th as revised on July 15th.

Director Marshall:

We are writing to express our strong support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board (hereafter called "the Board") must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc. (hereafter referred to as "Nordic"). We are united in our conviction that the members of the Board should refrain from any more consideration of Nordic's permit applications until the following conditions have been met.

One, Maine Superior Court rules on the parameters of the easement granted to Nordic by Richard and Janet Eckrote. The July 7th decision in the case, *Tomasino v. Town of Casco*, 2020 ME 96, clearly states that, when a dispute arises between property owners, the exact terms of an easement must be determined by an appropriate court of law. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.

Two, Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. On Page 4 of that plan, the authorities state "...there are documented elevated mercury concentrations in this portion of the Penobscot Bay..." and conclude that the risk of finding mercury contamination along Nordic's proposed pipeline route is "...moderate to high..." The sampling results are absolutely critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area. They must be produced and shared with the Board before continuing permit consideration.

Three, Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

Four, The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully submitted,

Sid Block, President; Ellie Daniels, Treasurer; Andy Stevenson, Secretary; Jane Earley, Jeffrey Mabee, and Jason Rawn, Board Members.

Support of Kim Erwin Tucker's July 15th motion

William Nelson <wmnelson@midmaine.com>

Mon 7/27/2020 6:48 AM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Wayne Marshall, Director
City of Belfast Code & Planning

Dear Mr. Marshall:

I am writing in support of attorney Kim Tucker's filing of July 15th, in which she argues for the Belfast Planning Board to stop further consideration of the permit applications submitted by Nordic Aquafarms, Inc., for their proposed aquafarm. I have been closely following developments with the proposed fish farm since it was first announced and have been disturbed by what seem to be obvious irregularities in the process.

I ask the Belfast Planning Board to refrain from further consideration of Nordic's permit applications until the requirements posed by Tucker have been met. How can test results be evaluated if the tests have not been conducted? Ms. Tucker's conditions are:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Twenty-some years ago a respected member of the USM faculty was engaged by HoltraChem to study the possible presence of mercury in the Penobscot River and its possible effect on the environment. His study concluded, in so many words, no problem. We have heard similarly reassuring words about the environmental impact of the instant project and, with the current administration in Washington, have lately been getting a steady diet of the like. Let's not be taken in yet another time.

Respectfully submitted,
William Nelson
156 High Street
Belfast

industrial fish factory

William Leavenworth <william.leavenworth@gmail.com>

Mon 7/27/2020 6:43 AM

To: Public Hearing <public@cityofbelfast.org>

I live in Searsmont, not in Belfast, but I have a Ph.D. in environmental history, with a dissertation on the historical ecology of the northern New England littoral. We have published papers on this part of our geography. The proposed salmon farm has a limited life-span under the best of conditions, and carries with it a risk of introducing a virgin soil epidemic into the Bay--a pandemic that will eradicate bivalve and crustacean fisheries for decades into the future. On top of that, restoring the site when the factory is abandoned could cost the city of Belfast as much as it might gain from taxes and hourly wages for the 35-40 year life expectancy of the project. The highest and best and longest-lived use of the Little River would be to replace the ancient dams with modern dams containing working fish ladders, and then to introduce elvers and alewives into the ponds. That would provide a safe and steady income for Belfast into the distant future.

Very truly yours,

Dr. William Burgess Leavenworth, Ph.D., retired environmental historian & mariner, Searsmont.

Motion to Dismiss Nordic's Permits

Jim Merkel <jimimerkel@gmail.com>

Sun 7/26/2020 11:13 PM

To: Public Hearing <public@cityofbelfast.org>

Att: Belfast Planning Board

From: Jim Merkel (207)323-1474, 97 Patterson Hill Rd., Belfast, 04915

Date: July 26, 2020

Dear members of the Belfast Planning Board,

I appreciate the time and energy it takes to understand and evaluate a complex and ecologically impactful project as in the case of Nordic's proposed concentrated fish confinement operation. In the last two years, these RAS systems have had massive die offs, escapes of fish, and some facilities have gone out of business.

Our duty is to turn over a functioning ecosystem and marine environment to our kids. This project represents the worst possible direction. With selfish closures through much of Belfast's seashore, due to toxic age blooms, linked to high nitrogen levels, it seems irresponsible to be adding the nitrogen of 10-13 Belfast City sewers to the small cove at the Little River, into 35 ft of water. This is the habitat used by recovering Cod.

A hog factory, chicken factory and fish factory have commonalities. They require use of the "commons" — clean inputs of water, air, and land and use our land, air and sea as a dumping ground. Belfast Bay and Nordic's proposed pipeline, is deep inside the most productive estuary system in Maine. In the past, bodies like yours along the Penobscot River permitted the chemical factories that left behind mercury sediment that is impossible to clean up. Now your board, our, my, planning board, is going to allow Nordic to unavoidably stir up and spread mercury across the bay to Searsport? Then truck and dump it. making a mother place toxic with mercury. Bad planning on top of bad planning.

If built, Nordic's factory would raise water temperatures, emit massive CO2 (equivalent to 135,000 cars added to Maine's roads), pull down ground water levels, cause salt water intrusion, pollute the air with diesel fumes, create noise and light pollution, add traffic to the road ways, destroy wetlands, clearcut a mature forest, spread disease into the bay, contribute to the already too high nitrogen levels along the seashore, and more. And when they go out of business, either sooner or later, they will have ruined a beautiful forest, a beloved greenbelt that borders Belfast. This is your watch.

I have been to almost every public hearing and my take-home impression is that democracy has broken down and a corporate entity has been able to "rig" the political system at every level in Maine, to support a carbon intensive industry in the hopes of a few jobs (when businesses can't find enough employees) and a little tax relief (when Nordic is expert in avoiding taxes). Because the City council met in private with the applicant for 6 months prior to notifying the public, much mistrust was generated. I believe every day we allow Nordic and our city to spend money on a project, without RTI, we do everyone a disservice.

Further, Nordic should be required to be carbon neutral in both embodied and operational CO2.

Additionally, they should be required to find a brownfield site with access to deep ocean currents or

design a fully enclosed system.

Now the Planning Board has an opportunity to stop all action on Nordic's permits. Nordic's attempt to steal the land originally owned by Judith and Jeffery, since put into trust, will soon be settled by the court. Belfast citizens should not have to spend thousands of dollars in legal fees, and years of time fighting Nordic's well funded attorneys. Both the City Council and the Planning board should have stopped this project long ago, as it is very easy to find all the surveys, deeds and documents that show Nordic does not have sufficient TRI. I'm sure you have seen the following notice from others in town:

On July 15th, attorneys filed a "Motion to Stay/Motion to Dismiss" with the Board. I am asking the Board to stop all action on Nordic's permits until:

1. Maine Superior Court rules on the exact terms of the easement between Nordic and the shoreland owners whose property they need to cross with their pipelines. There is no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sediment sampling and testing needed to determine the risk that mercury-contaminated soil will be released into the water during pipeline construction.
3. Nordic gives the Board an up-to-date pipeline construction plan, since the one the Board has now is outdated, inaccurate, and misleading.
4. The Board takes evidence on the implications of the sediment testing results and on the consequences of the updated pipeline construction plan.

By stopping the project, as a Belfast tax payer, you will stop the spending of thousands of dollars of staff time (my taxes) as they act as project managers and sales agents for Nordic. If ever I felt like being a tax resistor, this is it. My tax dollars have been spent paying Bill Kelly, Joe Slocum, Wayne Marshall and more, to constantly work behind the scenes and in public, as sales agents for Nordic's interests and to defeat public opposition. Continually taking Nordic's side while manipulating public process so as to deceive or confuse the public. Five organizations have formed to defend our community, which we love dearly. This industrial nightmare would pump 7.7 million gallons of sewage, disease laden, nitrogen rich into the waters that are finally recovering, with more fish each year, that I and my family sail upon and swim in. We can add insult to injury or support ecosystem restoration, so some day, we again have a working waterfront, and our kids can go out and catch a fish.

I know you are in a difficult situation, but as an engineer, I have come to understand that the precautionary principal often prevents massive mistakes. It acknowledges that:

1. There are often unanticipated impacts, but in this case, farmed salmon at sea and on land have a verifiably atrocious record around the world.
2. Once an intact ecosystem is liquidated, covered in tanks, pumps and pipes, when it fails, we will have yet another mess on our hands.
3. Some factors are out of the hands of Nordic, yet are very risky. Take the price of salmon. Over the past three years, the price has fluctuated wildly.

Nordic's facility and operating carbon emissions is huge, you have the report — and that means that cost are high, margins are low, and if salmon prices plummet, the plant could go bankrupt as others have.

A significant proportion of caged salmon, even taken off the grocery store shelf, carry viruses and disease and frequently are slaughtered before they die and sold on the market. Just as we struggle with COVID virus, salmon in containment are very susceptible to viruses, and this is the lesson humanity is starting to learn about monocultures. Monocultures are breeding grounds for the most resistant strains of disease, bacteria and virus. The primary problem with net pen aquaculture are multiplied in land-based systems. Net pens have the whole sea flushing the excrement, have the sun to help kill certain disease, and have parts of the ecosystem surrounding the net pen providing minimal but some biodiversity, and yet they still had every problem imaginable.

Now put the fish inside a building, never seeing the sun, never having fresh air. Now crowd them and feed them things they would never eat unless starved. Fed chicken and pig slaughterhouse waste, GMO grain and soy and fish scooped by industrial trawlers off of South America. Their entire life without eelgrass, without any other form of life to interact with. A true prison of unthinkable suffering for as majestic a species, capable of mass migrations, with stunning power — left to live and die swimming in circles.

It is time for this planning board to put a stop to so much Nordic hubris and poor planning, evident in Nordic's entire process. Having once been a design engineer, I get it. Nordic is good on their feet, providing well selected, green washed information, that is convincing to some. If I was being paid to build that facility, I'd cherry pick the data in the same way, especially if my motivation was profit and not our community.

Thanks for listening,

Jim Merkel

Jim Merkel
97 Patterson Hill Rd
Belfast, Maine, 04915
(207)323-1474
jimimerkel@gmail.com

Author: Radical Simplicity
Director: Saving Walden's World

Stop consideration of NAF permits

Deborah Capwell <deborahflora@gmail.com>

Sun 7/26/2020 9:15 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

To the Members of the Planning Board:

I would like to add my voice to those who have already expressed their deep conviction that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc. as is asserted in attorney Kim Tucker's filing of July 14 (and revised on the 15th). Several conditions essential to an informed and fair decision by the Board have not been met by Nordic:

- 1- Nordic cannot produce any solid evidence of title, right and interest. I don't see how the Board can make any decisions until the Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. No one is allowed to build on property which they cannot access. A July 7th, 2020 decision by the Maine Supreme Judicial Court in Tomasino v. Town of Casco ruled that a court of law must rule on title, right, and interest. Until the court case regarding access to Mabee and Grace's property is ruled on, Nordic's claims are nothing but claims.
- 2- Nordic has not met the sampling prerequisites required by the U.S. Army Corps of Engineers and the U.S. EPA regarding the construction of their saltwater intake and wastewater discharge pipelines. How are you as a Planning Board going to be able to go ahead without an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area? Stirred up mercury could have multiple and severe negative effects on our bay. It seems to me that this information is essential to any informed ruling by the Board.
3. Nordic must submit an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

In order to consider permit applications, the Planning Board needs all relevant information. Presently, major questions remain unanswered, and until you receive complete rulings, samplings, and an updated design and construction plan from Nordic, I urge you to stop all consideration of permits for this project.

Sincerely,

Deborah Capwell
Belfast, ME

Opposition to Nordic's continued disregard for private property

ralph stanley <ralphcstanley@hotmail.com>

Sun 7/26/2020 9:00 PM

To: Public Hearing <public@cityofbelfast.org>

Subject: Comments on Kim Ervin Tucker's July 15 th motion

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

- 1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.**
- 2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.**
- 3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.**
- 4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.**

Respectfully submitted,

Ralph Stanley

Bayside Northport Maine

Comments on Kim Ervin Tucker's July 15 th motion

Doug Miska <dmiska@gatorinv.com>

Sun 7/26/2020 8:21 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: harlleyconservationarea@gmail.com <harlleyconservationarea@gmail.com>

Subject: Comments on Kim Ervin Tucker's July 15 th motion

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.

2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.

3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

**Respectfully submitted,
Douglas S. Miska
738 Shore Road
Northport, Maine 04849**

Sent from my iPad

Upcoming Planning Board Meeting re: Nordic Application

Marianne McKinney <mmckinran@icloud.com>

Sun 7/26/2020 8:02 PM

To: Public Hearing <public@cityofbelfast.org>

Mr. Wayne Marshall and Planning Board Committee,

Thank you for all the time and very careful consideration you are giving to review the Nordic application. I have been following the process as you have worked these long hours and days.

Although I'm not clear on what aspect of the project you will be looking at this week, I do have the following concerns:

- 1) Has an outside, independent contractor done core samples, at the depth the discharge pipe will go, to evaluate anything harmful that might be disturbed, e.g. mercury, etc.? We certainly want to protect the Bay for our fisherman, the water sports enthusiasts, and the tourists.
- 2) What is the final decision on where and how far the discharge pipe will go?
- 3) I have read that several lawsuits have been filed in relation to this project. If all of the lawsuits have not been resolved, is it proper for the Board to proceed? If any of these lawsuits are settled against Nordic, how will it affect any approvals we make now?
- 4) I understand that an attorney has submitted a motion to stop the Planning Board from continuing to consider the Nordic application. Does this motion affect the Board?

Thank you again for your diligent work.

Marianne McKinney

Nordic Permit Application

Cynthia Anderson <cynthiacanderson@gmail.com>

Sun 7/26/2020 6:39 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Dear Belfast Planning Board,

I ask that the Planning Board not consider Nordic Aquafarms' permit application at this time.

How could the Board possibly make a sound judgement on such an incomplete application?

Information both essential and required is missing:

sampling of sediment (in an area where mercury is likely);

a court decision on right, title, and interest;

updated construction information which conforms to actual current plans;

results of sediment sampling.

It feels to me things are out of order here, and the cart's before the horse.

I hope the Planning Board will put the safeguarding of our community ahead of any pressure to expedite a questionable process.

Sincerely,
Cynthia Anderson
Belfast

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

- 1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.**
- 2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.**
- 3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.**
- 4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.**

Respectfully submitted,

Comments on Kim Ervin Tucker's July 15 th motion

Eric Anderson <ericlarsanderson@gmail.com>

Sun 7/26/2020 6:28 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: Ellie Daniels <ellie@greenstore.com>; hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Director Marshall:

I am writing in support of attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right, or interest.
2. Nordic conducts the sampling and analysis plan **required** by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully,

Eric L Anderson

207 542 7596 (cell)
41 Village Road
Belfast ME 04915

NAF

Sandra J Ruch <sandrajruch@gmail.com>

Sun 7/26/2020 6:21 PM

To: Public Hearing <public@cityofbelfast.org>

To Belfast Planning Board Members,

> Please don't rubber stamp the NAF project. NAF does not have proper RTI for their pipes, and furthermore, there is not enough research to prove that nearly 8 million gallons of effluent released daily would not have a deleterious effect. DON'T RISK POLLUTING OUR BAY! We need at the very least, more testing, on how the bay would be affected and also if and how any mercury would be disturbed. These issues, and others, like NAFs planned use of MILLIONS of gallons of fresh water from our local aquifer, make me believe that the risks of the proposed plant outweighs the benefits. My kids swim in the bay everyday it is warm enough. Don't gamble on the future of this gorgeous, nearly pristine jewel of mid coast Maine.

> Respectully,

> Sandra Ruch

> Northport

>

>

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Sandra J.Ruch

c: 310.854.9075

Comments on Kim Ervin Tucker's July 15 th motion

Nancy Durand Lanson <nancydurandlanson@gmail.com>

Sun 7/26/2020 5:20 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully,

Nancy Durand Lanson

Comments re: Kim Tuckers Motion of 07-15-20

Diana Newman <timberedlake@gmail.com>

Sun 7/26/2020 4:35 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Subject: Comments on Kim Ervin Tucker's July 15th Motion

Director Marshall:

I am one of many engaged citizens who feel the Belfast Planning Board should refrain from any consideration of permit applications submitted by Nordic Aquafarms, Inc. until all conditions, as revised and filed by Attorney Kim Tucker on July 15, 2020, have been met in full.

While I respect that the overall magnitude of what the Planning Board is responsible to review requires tremendous time and energy, obliging permit requests by Nordic at this juncture necessitates the board having to make a risky assumption regarding the legal standing of title issues, and it requires the potential sidelining of essential environmental impact studies from being undertaken and completed. This would be inappropriate and potentially shortsighted. I support Attorney Tucker's stated conditions as being prudent on behalf of the city and the bioregion of which we are all stewards. I strongly urge the Board to consider and act upon the common sense merit of Attorney Tucker's conditions.

It may possibly be tempting for Nordic to cite the stress of impacts caused by the Pandemic as a pretext to exert pressure on the Planning Board into pre-maturely and recklessly leapfrogging legitimate concerns in order to "get going" and grant permits. Any pressure from Nordic to deflect attention away from "reasonable concerns" would likely be an attempt to fast-track permitting processes. Pandemic or no pandemic, Nordic should be held accountable to bringing resolution to the stated issues of concern before asking for permits. We are all, without exception, having to navigate changed circumstances, vulnerabilities, and delays to some extent. This added vulnerability calls upon us to be more circumspect, rather than less. I hope that The Belfast Planning Board can be trusted by the public to insist that the basic and reasonable conditions as stated by Attorney Tucker are met in good faith by Nordic Aquafarms before any permitting requests are even considered.

Thank you for your attention to this concern.

Respectfully,

**Diana Newman
P.O Box 156
Belfast, ME 04915**

To: Belfast Planning Board - re: NAF permitting process

Lew McGregor <email4lew@gmail.com>

Sun 7/26/2020 3:43 PM

To: Public Hearing <public@cityofbelfast.org>

July 26, 2020

Re: NAF permitting process

Attn: Planning Board

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Also, in recent news, a July 7th, 2020 decision by the Maine Supreme Judicial Court in *Tomasino v. Town of Casco* ruled that "Whatever minimum 'right, title, or interest' is required [to have administrative standing to obtain a permit]..., we conclude that, in the face of a dispute between private property owners, that requirement is not met by an easement whose parameters have not been factually determined by a court with the jurisdiction to do so." In plain English:

it is not enough for Nordic to claim it has sufficient "right, title, or interest" to construct pipelines across the intertidal zone under our protection; a court of law has to decide that it does.

That has never happened.

And as if that isn't enough, on June 22nd , the U.S. Army Corps of Engineers and the U.S. EPA issued a Sampling and Analysis Plan (SAP) requiring Nordic to test the sediments along its current pipeline route for mercury contamination. Those tests have not been completed and the results are unknown.

Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.

I would also call to attention the current state of drought in our region as climate instability increases. Mega uses of fresh water makes less and less sense.

Sincerely,

Lew McGregor

Belfast, Maine

Comments in regards to Kim Ervin Tucker's July 15th motion

White Gourd <whitegourdia@gmail.com>

Sun 7/26/2020 3:33 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: harlleyconservationarea@gmail.com <harlleyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

Along with many members of Waldo County, I feel the Belfast Planning Board should stop considering Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest. Nordic does not have the right to decide this on their own, this is a decision to be made by the court system.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area. These tests have not been completed & this is crucial information.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan the Board has now is not true to the current plan & thus is misleading & untrue. One needs the current plan to make decisions on such large matters as this.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit. When deciding such an important decision, all the evidence needs to be brought forward.

This is a huge decision the town of Belfast is making & to not have all the information needed to protect the water, & all beings that reside here, nor to assure that Nordic Aquafarms, Inc. has followed through with their applications, does not make sense. If a company cannot even fill out their paperwork properly or give updates to the current status of their proposals, this unprofessionalism & deceptions should be red flags that are attended to. If a town does not require tests for proposed corporations to protect their water, land, animals, people, air, we are not being true stewards for today & for future generations.

Respectfully submitted,
Suzanne Stone
Belfast

Comments on Kim Ervin Tucker's July 15 th motion

Leslie Moore <penpets1@gmail.com>

Sun 7/26/2020 2:29 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: harlteyconservationarea@gmail.com <harlteyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully submitted,

Leslie S. Moore
Belfast, Maine

Comments on the July 15th Motion regarding Nordic

Sally Brophy <sallybrophy@icloud.com>

Sun 7/26/2020 2:15 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

July 26, 2020

Please forward to Wayne Marshall and the City of Belfast Planning Board.

Nordic Aquafarms is proposing to construct a power plant, wastewater treatment plant, water treatment plant, food processing plant, thousands of gallons of process tanks, thousands of cubic feet of soil excavation, a major road diversion and construction project, and a significant pump station and outfall project. Each one of these could cause an adverse impact, we need to have 100% confidence in this corporation's capabilities.

Nordic has not yet provided a letter of commitment to fund this project, or any evidence of cash equity committed to this project, or a serious financial plan, or a letter of commitment from any lending institution.

Before they get permits to dig a 40+ acre hole in the Belfast Bay Watershed and a 30 foot wide trench in the Intertidal Zone, we need to be sure that the construction and operation will not cause permanent damage to the river and bay. I support the four conditions the Friends of Harriet L. Hartley Conservation Area propose:

1. Maine Superior Court rules on the exact terms of the easement between Nordic and the shore land owners whose property they need to cross with their pipelines. There is no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sediment sampling and testing needed to determine the risk that mercury-contaminated soil will be released into the water during pipeline construction.
3. Nordic gives the Board an up-to-date pipeline construction plan, since the one the Board has now is outdated, inaccurate, and misleading.
4. The Board takes evidence on the implications of the sediment testing results and on the consequences of the updated pipeline construction plan.

Thank you for your time,

Sally Brophy
20 Bradbury Street
Belfast, ME 04915
508-737-6702

Comments on Kim Ervin Tucker's July 15th motion

Anne Abercrombie <atabercrombie@msn.com>

Sun 7/26/2020 1:35 PM

To: Public Hearing <public@cityofbelfast.org>

Chairman O'Connor
Members of the Planning Board
Director Marshall,

I was born in Belfast so long ago that the hospital no longer exists. Since then I have watched and participated in the town's slow and steady renaissance which continues today in a very positive way. Belfast is now a sought after destination because of the careful planning and sound judgement of the decision makers at City Hall.

I am vehemently opposed to the Nordic project at Little River, the beautiful, pristine, and ecologically significant southern entrance to Belfast.

I support Kim Tucker's July 15th revised filing which asks the Planning Board to immediately stop further consideration of the permit applications submitted by NAF and refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sampling and analysis plan required by the US Army Corps of Engineers and the US EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project that Nordic must submit.
5. On June 22nd, the US Army Corps of Engineers and the US EPA issued a Sampling and Analysis Plan requiring Nordic to test the sediments along its current pipeline route for mercury contamination. Those tests have not been completed and the results are unknown.
6. Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.

Push Pause on NAF!

Suzanne Rico <srico@me.com>

Sun 7/26/2020 12:13 PM

To: Public Hearing <public@cityofbelfast.org>

To Belfast Planning Board Members,

Please don't rubber stamp the NAF project. NAF does not have proper RTI for their pipes, and furthermore, there is not enough research to prove that nearly 8 million gallons of effluent released daily would not have a deleterious effect. **DON'T RISK POLLUTING OUR BAY!** We need at the very least, more testing, on how the bay would be affected and also if and how any mercury would be disturbed. These issues, and others, like NAFs planned use of MILLIONS of gallons of fresh water from our local aquifer, make me believe that the risks of the proposed plant outweighs the benefits. My kids swim in the bay everyday it is warm enough. Don't gamble on the future of this gorgeous, nearly pristine jewel of mid coast Maine.

Respectfully,

Suzanne Rico, Northport

Motion to Stay/Motion to Dismiss filed by Kim Ervin Tucker, July 14

Kathy Muzzy <Kmuzzy@bluestreakme.com>

Sun 7/26/2020 11:57 AM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Dear Board members;

Along with many others, I want to strongly urge you to stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc. until the following conditions are met.

One, Maine Superior Court rules on the parameters of the easement granted to Nordic by Richard and Janet Eckrote. The July 7th decision in the case, Tomasino v. Town of Casco. 2020 ME 96, clearly states that, when a dispute arises between property owners, the exact terms of an

easement must be determined by an appropriate court of law. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.

I do not understand why you would move forward without this clarification from the court.

Two, Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. On Page 4 of that plan, the authorities state "...there are documented elevated mercury concentrations in this portion of the Penobscot Bay..." and conclude that the risk of finding mercury contamination along Nordic's proposed pipeline route is "...moderate to high..." The sampling results are absolutely critical to an objective assessment of the presence or absence of

mercury contaminated sediments in the proposed pipeline construction area. They must be produced and shared with the Board before continuing permit consideration.

This analysis is essential to insure the health of our marine life as well as the health of our people.

Three, Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

Again, I don't understand how the Planning Board can go forward without updated and accurate information.

Four, The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Thank you for considering this and hopefully stopping any further consideration of the permit applications submitted

by Nordic Aquafarms, Inc. until these conditions are met.

Kathy Muzzy

Press PAUSE on NAF

Jason Rawn <rawnjason@gmail.com>

Sun 7/26/2020 11:50 AM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Planning Board Members,

It easy to favor local health, environmental well-being, long-term economic stability, and democracy itself by paying attention to just 4 primary factors:

1. The corporation doesn't own (doesn't have title, right, or interest) the property they would need in order to build the intake and pollution pipes their proposed factory would require;
2. The corporation hasn't conducted the LEGALLY REQUIRED core sample tests of the known heavy metal- polluted area they wish to blast, dredge, and/or otherwise disturb to construct their proposed factory's proposed pipelines;
3. The corporation hasn't updated their pipelines construction plan, so you (and the rest of us trying to follow this scandal) don't have accurate, documented, LEGALLY REQUIRED information about their plans;
4. You, the Board, won't be able to make informed decisions until you can accurately assess the LEGALLY REQUIRED sediment tests (See 2 above.) and the LEGALLY REQUIRED pipeline construction plans (See 3 above.).

It is for these 4 simple reasons that you should press pause on this entire process. Because you can. Despite a noteworthy amount of support from two governors, several Congressional multimillionaires, and a slew of profit-motivated persons and entities in Belfast, in Maine, and beyond, this corporation has not managed to display the basic competence required to meet regulatory guidelines in developing a basic construction plan for their proposed factory.

Assuming there is a competent corporation to stir up heavy metal contamination in the Bay, set up a pumping station on the municipal water supply, and steal access to private property, all in hopes of making money for a very small group of investors who live thousands of miles away, it seems blatantly obvious that NAF isn't it. They've been treated extremely well, and yet, they continue to demonstrate incompetence.

You can and should press PAUSE, STAY, or DISMISS, whichever is on your remote.

Thanks,

Jason Rawn, Lincolnville

Sent from my iPad

Nordic Aquafarms Permit Application

John Krueger <jkrueg1@gmail.com>

Sun 7/26/2020 11:41 AM

To: Public Hearing <public@cityofbelfast.org>

Dear Belfast Planning Board:

It is heartening to me that Belfast has a planning board that is willing to consider the needs and regulatory mandates of our local community first and foremost. I fear that State regulators may not see much beyond the economic benefits of risking Belfast habitat because they would not have to live here and suffer any of the consequences of a huge experiment in one of the largest-in-the-world land based fish "farm".

Just a side note: Even in the best of permits Murphy's law (anything that can go wrong will go wrong) applies. Just last week the Portland treatment system failed one time and nearly 4 million gallons of wastewater was discharged into Casco Bay.

<https://www.pressherald.com/2020/07/24/nearly-4-million-gallons-of-wastewater-discharged-into-casco-bay/>

It certainly feels to me that the state review of the Nordic application is rigged to accept an incomplete application and to provide a favorable process for the applicant based upon financial considerations. In addition to disallowing negative scientific information the BEP, in my opinion, has been inconsistent with following administrative procedural requirements. As an example in the BEP 19th Procedural Order, Nordic was granted the opportunity to provide additional information to the closed record. That information was critical since their own data supported that their 1500 lbs/day discharge of nitrogen would double a recommended nitrogen level needed to support sensitive areas in Belfast and Northport. At the same time, in the same order, intervenors were denied the opportunity to submit EPA and Army Corps of Engineers new information and procedures regarding appropriate mercury testing and discharge.

As a Waldo County resident for almost 50 years, having raised my children here, I am deeply concerned that a permit review for such a large facility as this would go forward without first requiring a complete application and clear legal footing. I fear that there are many loopholes in an incomplete application. If important scientific information is being left out of the process and legal issues such as TRI on an easement is undecided, isn't it premature to spend so much time and effort on this application?

On July 15th, attorneys filed a "Motion to Stay/Motion to Dismiss" with the Board. I am asking the Board to stop all action on Nordic's permits until:

1. Maine Superior Court rules on the exact terms of the easement between Nordic and the shoreland owners whose property they need to cross with their pipelines. There is no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sediment sampling and testing needed to determine the risk that mercury-contaminated soil will be released into the water during pipeline construction.
3. Nordic gives the Board an up-to-date pipeline construction plan, since the one the Board has now is outdated, inaccurate, and misleading.
4. The Board takes evidence on the implications of the sediment testing results and on the consequences of the updated pipeline construction plan.

I also wish to add a few more prerequisites to be considered before a permit review resumes. These are all from the many testimonies provided at the BEP hearings in Belfast:

1. Nordic should provide a full data verified, peer reviewed, longer term model of currents in Belfast Bay, including the environmental consequences of the 7.7 million gal/day effluent on secondary circulation patterns and wind shear. These year round models need to be sharpened in order to

properly address the dilution of nitrogen. DEP review found that Nordic's own data model suggested that their 23 mg/l discharge is approximately twice what should be allowed to protect the marine environment.

2. Nordic should provide a data verified longer term model of the effluent mixing zone and current dispersion to better address the effects of temperature dissipation. I believe that the applicant has downplayed the effect of dissipating the heat equivalent of burning 10,000 gal of gasoline/day. Nordic's own data suggested a 1.4 degree temperature increase where there is a regulatory limit of 1.5 degrees. This difference is conveniently just low enough and needs verification.
3. Nordic should provide increased modeling and data collection on the effects of extracting large quantities of ground water at the Goose river and at the Little River. I have concerns that my water supply could be impacted and the process to assess this impact is unclear.
4. Nordic should provide sufficient data to comply with the Federal Clean Air Act that includes all sources of air pollution, not just the generator stacks.
5. Complete environmental assessment of wildlife and marine life needs to be completed before a permit review.
6. Nordic must demonstrate, pre-permit review, that financial capacity exists. This is financial capacity not just to begin construction, but also sufficient to complete the project in a safe and long lasting way. Granting review based upon future investor risk leaves Belfast with little downside protection.
7. Noise, odor and traffic questions remain.

Thank you all for taking on this difficult task. Few probably understand just how complex a public service role it is to be a member of a Planning Board!

John Krueger
291 Rocky Road
Northport, Maine 04849

--

John Krueger
207-338-8676 (land)
207-322-6297 (cell)
291 Rocky Road
Northport, Maine 04849

NAF application

Lisa Kushner <lisakushnerlcs@gmail.com>

Sun 7/26/2020 10:38 AM

To: Public Hearing <public@cityofbelfast.org>

Hello Wayne Marshall and Planning Board Members,

I am writing to express my support for attorney Kim Tucker's filing of July 14th, as revised on July 15th, in which she argues that the Belfast Planning Board should stop further consideration of the permit applications submitted by Nordic Aquafarms, Inc. until the following conditions are met:

- 1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners.**
- 2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require.**
- 3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.**
- 4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.**

I have not participated before in publically objecting to this project, but as a concerned and dedicated community member for over forty years do want to cast my vote against any action that I feel would damage the water quality of the Bay.

**Respectfully submitted,
Lisa Kushner**

Comments on Kim Ervin Tucker's July 15 th motion

Sandra Haire <sandra.louise.haire@gmail.com>

Sun 7/26/2020 10:08 AM

To: Public Hearing <public@cityofbelfast.org>

Cc: Harriet L. Hartley <hartleyconservationarea@gmail.com>

Mr Marshall

I am writing to express my view that the Belfast Planning Board should refrain from any further consideration of Nordic's permit applications until several important conditions have been met. These conditions were filed by attorneys of the Friends of Harriet L. Hartley Conservation Area on July 15:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.

2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.

3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

As a citizen of Belfast and an advocate for promoting the health of the environment and adherence to its legal protections, I urge you to refrain from moving ahead with any permit applications until these important conditions have been met.

Sincerely,

Sandra Haire

Belfast

--

Sandra L. Haire, Ph.D.

Research Landscape Ecologist

66 Village Rd.

Belfast, ME 04915

+1 413 362.4500

@HaireLab

Re : Nordic permit Ruling scheduled for Aug 12th

Penny West <penelope7west@gmail.com>

Sun 7/26/2020 10:07 AM

To: Public Hearing <public@cityofbelfast.org>; hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Dear Planning Board,

I understand that on August 12, 2020 the Planning Board will decide whether to agree or not with the filing from The Friends of Harriet L Hartley.

I believe that the Board should stop reviewing Nordic's permitting requests until four conditions are met:

1. Maine Superior Court rules on the exact terms of the easement between Nordic and the shoreland owners whose property they need to cross with their pipelines. There is no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sediment sampling and testing needed to determine the risk that mercury-contaminated soil will be released into the water during pipeline construction.
3. Nordic gives the Board an up-to-date pipeline construction plan, since the one the Board has now is outdated, inaccurate, and misleading.
4. The Board takes evidence on the implications of the sediment testing results and on the consequences of the updated pipeline construction plan. --

These seem to be reasonable precautions to take, and the process has already taken so long, it seems foolish to rush through any part of the process, especially when it concerns property rights, exactly what Nordic's plans are for the location of the pipeline, and the health of our lobstering industry.

In my experience, for any project of this magnitude there is no such thing as a 'no-brainer', and the people of Penobscot Bay depend on our public minded citizens like you to see the big picture and understand the impact on the various (voiced and unvoiced) stakeholders.

Why wouldn't you wait until the Superior Court has ruled?

thank you for your work and care of our community,

Penny West

Nordic Aquafarms

Kate Harris <kate@earthlovers.org>

Sun 7/26/2020 9:28 AM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

Dear members of the Belfast Planning Board,

Please discontinue further consideration of Nordic Aquafarm (NAF)'s permit applications until the following conditions have been met:

1. Maine's Superior Court rules on the legality of the easement granted to NAF for laying their intake and waste discharge pipelines into our Bay.
2. NAF conducts a sampling and analysis plan as required by the Army Corps of Engineers and EPA to provide an objective assessment of whether mercury-contaminated sediments will be disturbed during its proposed pipeline construction in our Bay.
3. NAF provides the Board with an updated, accurate plan for its proposed pipeline construction plans in our Bay.
4. The Board takes evidence on mercury sampling results and the updated proposed pipeline construction plan which NAF must submit.

Respectfully submitted,

Kate Harris
Belfast resident

--

"It is also an era dominated by industry,
in which the right to make a dollar at whatever cost is seldom challenged."
— Rachel Carson, *Silent Spring*

Nordic permit application

venasquais@gmail.com <venasquais@gmail.com>

Sun 7/26/2020 8:30 AM

To: Public Hearing <public@cityofbelfast.org>

Dear Chairman O'Conner, Members of the Planning Board and Director Marshall,

I have attended several of the Planning Board's meetings, most of the public hearings by the BEP and self-educated myself regarding Nordic's proposed aqua farm.

I strongly urge the Board to take no decisive action in regard to Nordic's permit applications, at its August 12th meeting.

Nordic has failed to show legal Title, Right and Interest to the intertidal property necessary to reach the Bay for disposal of production waste. This matter is before the Maine Superior Court. It seems only appropriate to wait until that judicial body has ruled.

Other informational matters are also outstandingly due from Nordic - sampling and analysis plans for the construction of the discharge pipe, as required by the Army Corps and the EPA.

I understand the plan currently in your hands is out-dated. Your decision should be made on the most current detailed plan.

Thank you, Beverly Crofoot

Sent from my iPad - Beverly

stop any further consideration of the permit applications submitted by Nordic Aquafarms

Jennifer Hill <rooted@fairpoint.net>

Sun 7/26/2020 7:55 AM

To: Public Hearing <public@cityofbelfast.org>

Wayne, the City is trampling on the property rights of Belfast residents Judith Grace and Jeffrey Mabee. What is the plan here? To take the land by eminent domain for a private corporation? This smacks of the treaties the United States made with Native Americans, not worth the paper they were written on.

Besides this, I'm disgusted that the City of Belfast thinks they own the bay, and the way City Counselors treat people from neighboring towns. Belfast Bay is a commons and should be protected as such. In my way of thinking, it is not the exclusive property of the City of Belfast.

Marshall Rolerson, Waldo

Motion to Stay/Motion to Dismiss filed by Kim Ervin Tucker, July 14,th,as ,revised on July 15,th

Jennifer Hill <rooted@fairpoint.net>

Sun 7/26/2020 7:44 AM

To: Public Hearing <public@cityofbelfast.org>

Wayne, I rarely write to you on matters of importance to the City of Belfast and to myself. I don't think its every happened. As Mike Hurley likes to point out, I no longer live in Belfast anyway. But, I volunteer in Belfast and shop there; I recreate there, it is my county seat. I feel that I must speak out about the Planning Board stopping their deliberations on the Nordic Aquafarm permit until a court decision is made on the Eckrote's right-of-way and Nordic brings its application up-to-date with changes they have wrought to their original application.

The fact is, only when the Planning Board has the court decision in hand can it proceed in a reasonable fashion to determine if the facility should be built in Belfast. If they were to break ground on the facility before the court's decision, what a waste just to have it torn down!

As a businesswoman, I understand that Erik Heim began this highly experimental process knowing things would change. He wants to be light on his feet in pursuit of his goal, but his goals don't necessarily jive with the goals of our community. The community is represented by our government, and we hope that once the court documents are in, once he has finalized a plan that can be objectively assessed by Belfast's Planning Board, only then will they be in a position to judge it properly.

I appreciate your willingness to listen to points of view not often heard among the Belfast City Council. The best decisions are not always made by the people in positions of authority; our brilliant form of government allows for wisdom from the quietest corners, from every pipsqueak, before making a decision that will weigh on our community for many years to come.

Jennifer Hill, Waldo, Maine

Request to cease NAF permit process

Patricia Kaplan <keltookaplan@gmail.com>

Sat 7/25/2020 11:08 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: Harriet L. Hartley <hartleyconservationarea@gmail.com>

 1 attachments (16 KB)

NAF Permit Process.docx;

Please forward attached letter for Wayne Marshall and the City of Belfast Planning Board.

Thank you,

Patricia Edith Kaplan, LCSW, CADC
Belmont, Maine 04952

That is the mystery of grace: it never comes too late.

~ Francois Mauriac

Patricia Kaplan
15 Cedar Road
Belmont, ME 04952

July 25, 2020

Re: City of Belfast Planning Board NAF permitting process

Director Marshall,

Respectfully I write to express my support for the recent filing by Attorney Kim Tucker to halt the permitting process made by Nordic Aquafarms, Inc (NAF, Inc) to build an above the ground fish farm adjacent to the Little River Estuary which includes a discharge pipe into Belfast Bay. Without hesitation I completely support Attorney Tucker's filing of July 14, 2020 as revised on July 15, 2020 in which she clearly notes the necessity for Belfast Planning Board to immediately cease any further time or consideration of the permit applications submitted by Nordic Aquafarms, Inc. until further legally sound information is provided to the Belfast Planning Board by NAF, Inc.

In these times of the disturbing ongoing environmental destruction of our natural resources, I, like many others who appreciate and wish to protect Belfast Bay and the Penobscot River basin from environmental damage to its already precarious health, believe the Belfast Planning Board should immediately refrain from further consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that the application for permit are based on any actual/legal title, right or interest.

** A July 7th, 2020 decision by the Maine Supreme Judicial Court in Tomasino v. Town of Casco ruled that "Whatever minimum 'right, title, or interest' is required [to have administrative standing to obtain a permit]..., we conclude that, in the face of a dispute between private property owners, that requirement is not met by an easement whose parameters have not been factually determined by a court with the jurisdiction to do so." In plain English: it is not enough for Nordic to claim it has sufficient "right, title, or interest" to construct pipelines across the intertidal zone under our protection; a court of law has to decide that it does. **This is the rule of law and a claim by NAF is not the rule of law.***

2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.

** On June 22nd, the U.S. Army Corps of Engineers and the U.S. EPA issued a Sampling and Analysis Plan (SAP) requiring Nordic to test the sediments along its current pipeline route for mercury contamination. Those tests have not been completed and the results are unknown.*

3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

** Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.*

4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

** The authorities who wrote the SAP say the risk of mercury contamination is "...moderate to high..." and "...there are documented elevated mercury concentrations in this portion of the Penobscot Bay." What is the probability this project will create unsafe levels of mercury in our bay?*

Most respectfully,

Patricia Kaplan
15 Cedar Road
Belmont, Maine 04952

Comments on Kim Ervin Tucker's July 15 th motion

Bernard Baker <bakerbernard51@gmail.com>

Sat 7/25/2020 8:54 PM

To: Public Hearing <public@cityofbelfast.org>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.
2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.
3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

I am extremely concerned that this process has not yet met all of its obligations in order to make a decision. Haste usually leads to unwelcome consequences.

Respectfully submitted,

Bernie Baker
49 Ocean St
Belfast

Comments on Kim Ervin Tucker's July 15 th motion

Laura Baker <fairtradebaker@gmail.com>

Sat 7/25/2020 8:48 PM

To: Public Hearing <public@cityofbelfast.org>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

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- 4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.**

**Respectfully submitted,
Laura Baker
49 Ocean St.
Belfast, ME**

--

"The idea that some lives matter less is the root of all that's wrong with the world." - Paul Farmer

Comments on Kim Ervin Tucker's July 15th motion from Aimee Moffitt of Belfast

Aimee Moffitt-Mercer <aimeemoffittmercer@gmail.com>

Sat 7/25/2020 6:26 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: hartleyconservationarea@gmail.com <hartleyconservationarea@gmail.com>

📎 1 attachments (32 KB)

Letter to Wayne Marshall and Planning Board July 25, 2020.pdf;

Aimee Moffitt-Mercer 3

8 Robbins Road

Belfast, Maine 04915

July 25, 2020 Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

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3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.
4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Also, in recent news, a July 7th, 2020 decision by the Maine Supreme Judicial Court in Tomasino v. Town of Casco ruled that "Whatever minimum 'right, title, or interest' is required [to have administrative standing to obtain a permit]..., we conclude that, in the face of a dispute between private property owners, that requirement is not met by an easement whose parameters have not been

factually determined by a court with the jurisdiction to do so." In plain English: it is not enough

for Nordic to claim it has sufficient "right, title, or interest" to construct pipelines across the intertidal zone under our protection; a court of law has to decide that it does. That has never happened.

And as if that isn't enough, on June 22nd , the U.S. Army Corps of Engineers and the U.S. EPA issued a Sampling and Analysis Plan (SAP) requiring Nordic to test the sediments along its current pipeline route for mercury contamination. Those tests have not been completed and the results are unknown.

Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.

Respectfully submitted,

Aimee Moffitt-Mercer

Belfast, ME

Aimee Moffitt-Mercer
38 Robbins Road
Belfast, Maine 04915

July 25, 2020

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

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for Nordic to claim it has sufficient "right, title, or interest" to construct pipelines across the intertidal zone under our protection; a court of law has to decide that it does. That has never happened.

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Nordic has changed its pipeline plans three times. The Planning Board does not have the current plan.

Respectfully submitted,

Aimee Moffitt-Mercer
Belfast, ME

Comments on Kim Ervin Tucker's July 15 th motion

Briana Halliwell <bri.d.halliwell@gmail.com>

Sat 7/25/2020 6:25 PM

To: Public Hearing <public@cityofbelfast.org>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

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2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.

3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Thanks for your concern.

Briana

Comments on Kim Ervin Tucker's July 15th Motion

Christopher Hyk <chyk@myfairpoint.net>

Sat 7/25/2020 6:02 PM

To: Public Hearing <public@cityofbelfast.org>

Dear Mr. Marshall and Members Of the Belfast City Planning Board,

We would like to add our names to the list of people who believe the Planning Board should wait for the Ruling by Judge Murray concerning the TRI of NAF, the Tomasino vs. Town of Casco case clearly puts this issue in a new perspective. The claims by NAF concerning TRI have always been a stretch, I would hope you could see your way towards a reasonable pause and review before granting a Permit and avoid further litigation and expense for the tax payers of Belfast.

The Holtrachem mercury is another concern, in Dr. Kopec's study there is clearly an issue in the area to be dredged and an expert study of the contamination at the site should be completed, and an approved plan for dredging and removal of the contaminated spoils be made, along with a Public Hearing, before any consideration by the Planning Board for a Permit.

Finally, although we have kept a careful eye on the pipeline plans, they seem to shift on a regular basis and I'm not at all sure this has been done with proper notification to all the government entities that need to be updated in a legal and timely fashion, the work by NAF in this and many other facets of the project has been sloppy at best and often borders on slipshod. These Permits should only be issued if everything is in perfect order, otherwise the Courts will be involved in this for years to come, please exercise caution. We realize that politically you are in a very difficult position, however, the future of Penobscot Bay is at stake and the people of Belfast, Northport and Searsport are depending upon your integrity.

Sincerely,

Christopher and Diana Hyk

#38 Church Street

Belfast, Maine

please stop Nordic Aquafarms, Inc.

Bonnie Rukin <bonnierukin@gwi.net>

Sat 7/25/2020 5:58 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: Harriet L. Hartley <hartleyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

- 1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.**
- 2. Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. The sampling is critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area.**
- 3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.**
- 4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.**

In general, I do not support factory farming on land or sea. This strategy is primarily backed by multi-national corporations that seek financial profitability as the only purpose of a food enterprise, while extracting environmental and human resources to meet goals. Nordic Farms is an example of this approach and I have been repeatedly distressed to witness the ways in which the city government has supported this company's intentions to date, particularly in the absence of adequate review of impact on the health of the local economy, community, and natural resources.

Respectfully submitted,

Bonnie Rukin

Comments on Kim Ervin Tucker's July 15 th motion

Barbara Klie <barbaraklie@yahoo.com>

Sat 7/25/2020 4:38 PM

To: Public Hearing <public@cityofbelfast.org>

Cc: harlteyconservationarea@gmail.com <harlteyconservationarea@gmail.com>

Director Marshall:

I am writing to express my support for attorney Kim Tucker's filing of July 14th as revised on July 15th in which she argues that the Belfast Planning Board must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc.

I am one of many who feel the Belfast Planning Board should refrain from any more consideration of Nordic's permit applications until the following conditions, filed by Tucker, have been met:

- 1. Maine Superior Court rules on the parameters of the easement granted to Nordic by landowners. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.**
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- 3. Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.**
- 4. The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.**

I am most concerned about the environmental effects of this oversized, experimental project in Belfast, but also fear, looking long term rather than just short term, this might well turn out to have negative financial outcomes for our city.

Thank you for your consideration.

Respectfully submitted,

Barbara

Fw: 115 Congress Street Development

Erica Nealley <planningandcodes@cityofbelfast.org>

Wed 8/5/2020 9:35 AM

To: Wayne Marshall <wmarshall@cityofbelfast.org>; Public Hearing <public@cityofbelfast.org>; Erin Herbig <citymanager@cityofbelfast.org>; Thomas Kittredge <economicdevelopment@cityofbelfast.org>; Eric Sanders <esanders59@roadrunner.com>; Jon Boynton <jboynton@cityofbelfast.org>

Hello Everyone,

I am uncertain if this email was sent to you as well or just came to me. I am forwarding it along since it was addressed to you all.

Best,
Erica

From: scotcannon <scotthemime@gmail.com>

Sent: Wednesday, August 5, 2020 9:27 AM

To: City of Belfast, ME <scotthemime@gmail.com>; Belfast Planning Board <scotthemime@gmail.com>

Cc: scot cannon <scotthemime@gmail.com>

Subject: 115 Congress Street Development

To members of the City Council, Planning Board, Mayor Sanders, Erin Herbig and Thomas Kittredge,

Thank-you for having the meeting on July 28th to hear and share comments about the new development.

My husband and I attended the meeting. There was an excellent turnout and many opinions offered.

First we agree that affordable housing is needed in Belfast. This will probably not be the only project of its type to ever be considered in Belfast. **Remember that. The better this turns out the more willing people will be to have housing of this type in their neighborhoods.**

The numbers as proposed are too dense and represent too much traffic. This development should be an **extension** of the neighborhood **not** just to be considered a separate entity to fulfill a need. Neighbors walk, talk, meet, socialize...look after and check in on neighbors.

In talking, some feel that this is a done deal and what we have to say will not have any impact on your final decisions.

We respect the time and effort you put into your roles as our representatives. You have asked for our comments, I sincerely hope that you will consider them when making your final decisions.

Sincerely,

Paula B. Cannon
114 Congress St
Belfast, ME 04915

Fw: 115 Congress Street Development

Erica Nealley <planningandcodes@cityofbelfast.org>

Wed 8/5/2020 4:58 PM

To: Public Hearing <public@cityofbelfast.org>; Jon Boynton <jboynton@cityofbelfast.org>; Wayne Marshall <wmarshall@cityofbelfast.org>

From: scotcannon <scotthemime@gmail.com>

Sent: Wednesday, August 5, 2020 4:57 PM

To: City of Belfast, ME <scotthemime@gmail.com>; Belfast Planning Board <scotthemime@gmail.com>

Subject: 115 Congress Street Development

To members of the City Council, Planning Board, Mayor Sanders, Erin Herbig and Thomas Kittredge,

Thanks so much for the meeting on July 28th. It was nice to see so many people. My wife Paula and I were both there.

I wanted to restate my concerns. We fully understand the need for workforce housing. We are willing to do our part for Belfast. The numbers still have to be lower. All possible problems stem from density.

I would like to see this project be something that fits in with us and does not isolate them.

In our city hall meetings some neighbors heard a number of 40! Although better than 48, under 40 that would be far more favorable.

If this project does fit in, is an extension of the neighborhood, is well made and functional for the renters, it will be easier to sell other projects in town. Some projects that I see in town do not meet this criteria.

Please make the rest of this process as transparent as possible. We need to know that our opinions matter as we continue.

The one thing that has been consistent is the dismissal of the negative effects this project will bring to our neighborhood. Our suggestions are all trying to lessen these effects.

We really need to know from the people that have the experience with these projects how we can best deal with the changes coming.

Thanks for all the work you do for all of us,

Scot Cannon
114 Congress Street
Belfast, ME 04915

Moving Matters

movement and massage therapies

Karin Spitfire

Licensed Massage Therapist
Somatic Movement Therapist

P.O. Box 53
Belfast ME 04915
207 338-5634
info@movingmatters.us
movingmatters.us

Aug 1, 2020

To the Belfast Planning Board Members:
Via

- o Code and Planning Department
131 Church Street, Belfast ME 04915
207-338-3370 ext. 125

As you know better than I do the issues are complicated, there never having been land based fish factories before in Maine, especially of the size that Nordic is proposing. Members of Harriet L. Hartley and many other people in our community have studied, and learned about the specifics of such an enterprise and the impacts, you are of course among them.

I have paid attention to the proceedings, and I totally concur with the items below presented by the Friends of Harriet L. Hartley Conservation Area Board. How can the Board consider an application where a) the easement, the very property is under dispute and b) that fact renders Nordic plans incomplete, inaccurate, and c) the issue of mercury has not been addressed

So to reiterate I am writing to express my total support for attorney Kim Tucker's filing of July 14 as revised on July 15 in which she argues that the Belfast Planning Board (hereafter called "the Board") must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc. (hereafter referred to as "Nordic"). The members of the

Board should refrain from any more consideration of Nordic's permit applications until the following conditions have been met.

One,

Maine Superior Court rules on the parameters of the easement granted to Nordic by Richard and Janet Eckrote. The July 7 decision in the case, *Tomasino v. Town of Casco*, 2020 ME 96, clearly states that, when a dispute arises between property owners, the exact terms of an easement must be determined by an appropriate court of law. Until such a ruling, the Board has

no solid evidence that Nordic's applications are based on any real title, right or interest.

Two,

Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. On Page 4 of that plan, the authorities state "...there are documented elevated mercury concentrations in this portion of the Penobscot Bay..." and conclude that the risk of finding mercury contamination along Nordic's proposed pipeline route is "...moderate to high..." The sampling results are absolutely critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area. They must be produced and shared with the Board before continuing permit consideration.

Three,

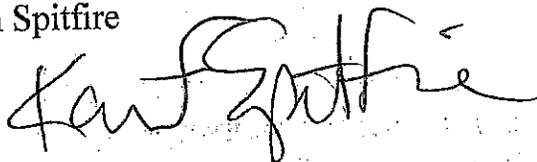
Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

Four,

The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Thank you for your hard work and time.

Karin Spitfire



Re: Notice of Filing Supplemental Exhibits Not Available to Petitioners Prior to 5 p.m. on July 7-27-2020

Wayback Farm <waybackhomestead@yahoo.com>

Sat 8/1/2020 7:37 AM

To: DiBello, Carol <carol.dibello@maine.gov>; Kim Ervin Tucker <k.ervintucker@gmail.com>
 Cc: Joanna B. Tourangeau <jtourangeau@dwmlaw.com>; David Losee <david@loseelaw.com>; Cynthia Anderson <cynthiacanderson@gmail.com>; Block <smblock@myfairpoint.net>; Sally Brophy <sallybrophy@icloud.com>; Steve Byers <stevejbyers@gmail.com>; Deborah Capwell <deborahflora@gmail.com>; Natalie c <mallard1843@gmail.com>; Cara Crosby <ccrosby325@gmail.com>; Conny Hatch <connyhatch@icloud.com>; Christopher Hyk <chyk@myfairpoint.net>; katenia keller <kateniakeller2@gmail.com>; William Leavenworth <william.leavenworth@gmail.com>; jrmabee@gmail.com <jrmabee@gmail.com>; John Morrow <john.morrow@ftratings.com>; William Nelson <wmnelson@midmaine.com>; sokeeffe@coa.edu <sokeeffe@coa.edu>; John Pincince <jgpincince@gmail.com>; Lawrence Reichard <lreichard@gmail.com>; Kathryn Shagas <kathryn@kshagasdesign.com>

Carol Dibello

Submerged lands Office

Maine Bureau of Parks and Lands

Dept of Ag Consv and Forests

August 1, 2020

Dear Carol,

Several years ago I woke up early with a question on my mind and an answer simultaneously. The question was who owned the land under the sea that the Norwegians wanted to use for their sewer pipe "one mile out to deep ocean currents".

I then secured the Dubious position of ***First Interested Party*** and ***The first Commenter***

The answer was: The People of the State of Maine !

At 8 Am in early October of 2018 , I called you , you had an application From Nordic and you mailed me a complete copy. {I believe the first complete copy to the public , as the Notice was truncated }

After a week or so of review and study I , along with unknown persons { the applicant and the Bureau ? } noticed that the pipeline route over the intertidal was not "in front of " the upland property that the lease option , { the TRI} was as shown on the google map graphic , which is still the only "description of the optioned Lease from the Eckrotes .

At this Point Joanna is protesting that the "comment period is closed "

Lo and behold , if it were not for rule 1.7 B 10 so it would be .

It is interesting that that rule does not specify how , who , why or when, material facts changing would be submitted to you specifically or how you would become aware or seek out such "changed " material facts on your own , only that "at any time " applies .

So I would like to at this Time , take this opportunity to perhaps become the last commenter . {unless material facts change once again !}

In November of 2018 , despite the "rumor " from Nordic that they needed to change the Material facts and the obvious lack of property sidelines on the Plan ,over the 800 feet or so of the intertidal lands the pipelines crossed , you assured Greg Wood of the DEP that the Application was "complete " . Thus forming the SLP leg of DEP Complete MEPDES TRI .

Well so much tidal water over a clam flat , the Maine Supreme Judicial decisions of Almeder and Tomassino and almost two years from the SLP application from Nordic , Agent Joanna Torrangoe , brings us up to the Dorsky Survey amendment Dated 7 ,24 , 2020 attached to Ms Tuckers supplemental filing of July 31 , 2020 on behalf of her clients

See if you can follow me into the weeds here Lauren, Scott , our people and the Press . Tomasino , states that only a court of law with powers to decide such disputes is qualified to decide Lease {Lease option } { Conditional Lease } if there is a dispute between property owners over such, concerning property rights to real property and underlying TRI findings before agency completeness of application and the ability of the agency to proceed with the processing of the application . This clarification requires a court of law , that is an attorney who has been nominated by the executive , confirmed by the elected representatives of the people and sworn in , and thus has the power of the third leg of our democracy in his/her hands . { appealable as to Law to the very same court deciding Tomasino and Almeder }

Mr Dorsky seems to agree , stating, " **an attorney should be consulted to see what rights the Eckrotes have in the intertidal lands "**

{ as does a certain Mr Staples PLS on the face of his plan in the SLP record }

As we all know Attorneys do not { are proscribed from } creating facts out of thin air . Real property ownership rights and location of those rights on the face of the earth , is a complex set of facts and Law , { intertidal or not !}

The "facts" must be based on actual transfers of rights registered in the Waldo County Registry , and other reliable documents on notice to all specifically the concerned property holders . These transfers have to be in a certain legal form and now according to Almeder , it is clear that a forty year window into the past is insufficient for a title search attempting to ascertain those Boundaries and actual rights thereby held or transferred for a particular Parcel of land . { this holds true unless a Court order under the Maine quiet title action specifics has been issued and registered quieting title and bestowing FEE Simple Title on a particularly described property . }

Mr Dorsky in a moment of clarity and perhaps in light of recent careful soul searching and a review of certain documents , plans and Law referenced in this and previous editions of his professional work , has reached a new conclusion, over turning former perhaps speculative and perhaps conditional findings of fact concerning location of intertidal lot lines and the ownership { Unspecified and Partial Interests } { Intertidal PL if transferred } within those lines contained in the original and amended versions of his survey of the area for Nordic Aquafarms Inc.

Simply stated his plan concludes that ownership is "unclear" and that multiple rebuttable facts , specific words and locations described by these words and the application of law , requiring the advise of an attorney is needed to sort this mess out.

And Thus ;

The ownership of the intertidal and any rights of particular persons available for them to Lease to Nordic , is not for the Maine Assistant AGs assigned to this Department , the Maine DEP , or for Nordic attorneys to advise .

Not only have the Material facts;

{ alleged proof of TRI demonstrated by a signed and sealed plan by a Maine PLS and other pictures and deed and easement descriptions }

but the law;

{Tomasino and Almeder }

has shifted under the feet of Mr Heim , his Submerged land applicant Agent Ms Torangoey , {as well as the Attorney Generals past and present }

We look forward to The Waldo County Superior Courts, application of the Law to the sorted out Facts and the, as directed by the Supreme Judicial Courts Tomasino and Almeder , review of the Eckrote "lease option " and "wet Sand Letter " that is the purported "sufficient TRI" we have been suffering through for two years .

Thank you for your service to the people of the State of Maine , Carol you have diligently reviewed countless docks , wires and pipes, lease applications and renewals over the years .

Sincerely ,

First Interested Person and Commentator ,

Nordic Submerged Lands Lease

Sept , 26, 2018

Paul Bernacki

On Friday, July 31, 2020, 12:40:04 PM EDT, Kim Ervin Tucker <k.ervintucker@gmail.com> wrote:

Dear Ms. DiBello:

The attached Notice of Filing Additional Exhibits, in support of Petitioners' pending Amended Motion to Stay or Dismiss, and the referenced Exhibits are submitted to the Bureau for consideration and inclusion in the administrative record for the NAF lease application(s). These exhibits demonstrate the continued, significant dispute regarding the factual parameters of the easement option on which NAF relies to demonstrate is RTI and standing — factual parameters that must be resolved by a court of competent jurisdiction prior to NAF being able to invoke the jurisdiction of the Bureau or demonstrate standing to establish a justiciable issue before the Bureau. See e.g. *Tomasino v. Town of Casco*, 2020 ME 96, ¶¶ 8-15.

Respectfully submitted, Kim Ervin Tucker, Counsel for Petitioners Mabee and Grace, Friends of the Harriet L. Hartley Conservation Area and the Lobstering Representatives (C: 202-841-5439)

On Jun 10, 2020, at 1:52 PM, DiBello, Carol <Carol.DiBello@maine.gov> wrote:

Good Afternoon Joanna,

The Bureau of Parks and Lands (Bureau) has completed its review of Nordic Aquafarms, Inc.'s application for a submerged lands lease and dredging lease. In accordance with the Submerged Lands Rules, when comments are received that relate to public trust considerations, the Bureau must issue its Preliminary Findings And Decision (Preliminary Findings) for public review. A copy of these Preliminary Findings is attached.

The Preliminary Findings are now subject to a 30-day reconsideration period during which any interested party may submit additional evidence to challenge the Bureau's Preliminary Findings. Comments must be received **by 5:00 PM EST on JULY 10, 2020**. Following the 30-day reconsideration period, the Bureau will issue its Final Findings And Decision.

If you have any questions, please feel free to contact me at (207) 287-4922 or by email to: carol.dibello@maine.gov. Thank you.

Thank you.

Carol DiBello

Carol DiBello
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333
Tel: 207.287.4922 Fax: 207.287.6170
carol.dibello@maine.gov
www.maine.gov/dacf/submergedlands

<Nordic Preliminary Findings DACF 6-10-20 (Secured).pdf>