

STATE OF MAINE
BUREAU OF ENVIRONMENTAL PROTECTION

NORDIC AQUAFARMS, INC.)	
Applications Pursuant to Air Emissions,)	
MEPDES, SLODA and NRPA)	
1-28319-26-A-N/L-28319-TG-B-N)	
L-28319-4E-C-N/L-28319-L6-D-N)	
Proposed Salmon Aquaculture Facility)	PETITION TO
Belfast, Maine)	INTERVENE OF
)	THE FISH ARE
)	OKAY
)	

The Fish Are Okay (“TFAO”), by and through its undersigned representative, hereby files this request to intervene in the above captioned proceeding. On May 17, 2019, Nordic Aquafarms, Inc. (“NAF”) filed an Application with the Maine Department of Environmental Protection (“Department”) pursuant to Maine’s Air Emissions, Maine Pollutant Discharge Elimination System, Site Location of Development Act and Natural Resource Protection Act to construct a salmon aquaculture facility in Belfast, Maine. On June 20, 2019, the Bureau of Environmental Protection (“BEP”) assumed jurisdiction over the project.

In accordance with the Maine Administrative Procedure Act, as amended, any person demonstrating that he or she is or may be “substantially and directly affected” by an agency proceeding may “intervene as a party to the proceeding.” 5 M.R.S. § 9054. On June 27, 2019, the Department issued a Notice of Opportunity to Intervene. For the reasons described more fully below, The Fish Are Okay is substantially and directly affected by NAF’s Application due to TFAO’s role within the City of Belfast (“City”) and in surrounding communities in Waldo County. TFAO serves these communities as an educator encouraging active, well-informed citizen participation in the State and municipal regulatory procedures now determining the licensing of NAF’s proposed project. TFAO, therefore, requests that the BEP grant this petition for leave to intervene as a party in BEP proceedings regarding the NAF Application.

The Fish Are Okay is a nonprofit corporation organized under the laws of the State of Maine, with its principle place of business at #1 Delemos Street, Belfast ME 04915.

TFAO organized for the purpose of encouraging citizens, local businesses and other organizations to become informed about NAF’s plans to construct and operate a land-based aquaculture facility in our community. We encourage people to become formally involved in the regulatory process, circulating information about when and how to speak or provide written comments to State and municipal authorities at public forums. Many of our followers actively support Nordic Aquafarm’s proposed project, and many more follow TFAO’s work because they

are in a learning process about Nordic's proposal that will conclude only upon evaluation and rulings from the Department and the City.

Specifically, the formation of TFAO this Spring 2019 provided Waldo County with a citizen-based counterpoint to those who had in 2018 immediately and loudly opposed both initial consideration and ultimate approval of the NAF project. Opponents had formed two non-profit groups in the Fall 2018 for the purpose of opposing Nordic: Upstream Watch and Local Citizens For Smart Growth Salmon Farm. The Department will be aware that as this controversy over Nordic's project grew more heated over the course of the first year, local media coverage morphed into statewide headlines about Belfast's political crisis as well as speculation about Belfast's willingness to welcome other new economic development.

Much of the back and forth between Nordic and its opposition has centered on questions of science, engineering and land use that can only be resolved through professional review by the Department and the City. TFAO is not qualified, nor do we propose to act as an intervenor on these purely technical issues.

In its educational efforts TFAO identified and is fulfilling a unique niche in examining, evaluating and documenting far more subjective threads arising in this debate. Opponents of the project have deftly insinuated that pieces of local history tie directly to the science and land uses proposed by Nordic and being evaluated by the Department. In the attempt to frame opposition with local anecdotal stories that are meaningful to local residents, claims of harmful impacts stick more readily and become far more compelling to the community than dry data from technical reports written by unknown consultants. For example (among many examples),

Water Supply An abutting landowner circulated information recently about the inadequacy of the City's wells to fulfill the water supply commitment made to Nordic. The basis for this assertion was the experience of residents decades ago when chicken processing plants were in full operation. It was said that residents were required to draw a week's worth of water for domestic consumption each Sunday night because all available water was consumed by the processing plants on Monday through Friday. Statements from the Belfast Water District, the fire department and other materials from the Belfast Historical Museum refute this story entirely. There was some disruption in delivery of domestic water in that era, but it was related to the process of switching the City over to a cleaner water source and had absolutely nothing to do with water consumption at the chicken processing plants. Nordic, in fact, will be drawing the least volume from the City's current aquifer, but will rely for its water upon the old aquifer of the earlier era.

Recreational Impacts at the Site Two significant features of the site are scheduled for appropriate protection under the agreements and plans submitted to the Department. The reservoir, dam and historic building at the entrance to the project will be maintained by Nordic and operated as a visitor center. A deed in perpetuity will pass from Nordic to the City of Belfast for a popular hiking trail along the Little River. Further, Nordic will create and maintain suitable vegetative buffering for this trail at its own expense. Nevertheless, opponents to the project claim that development of the rest of the site results in loss of highly valued recreational lands. Aerial views taken over several

decades demonstrate continuous farming on much of the site. These aerial views also demonstrate a series of small logging operations over several decades within what has recently been dubbed by the opposition as the "Belfast Forest", implying new stature among the City's recreational assets.

Abutting Landowner Opposition Claims have been made by those opposing Nordic's project that they speak for most abutting property owners in asserting that active farm operations and residential properties will be harmed. In fact, there are two land-based farms that could conceivably be directly impacted -- one owned by the founder of Upstream Watch, which has taken legal action against the City of Belfast over the Nordic Project. The second farm chose to lease a portion of its land to Nordic with an option to buy. This abutting property owner is actively supporting the work of TFAO. And likewise, a half dozen or so families living in homes abutting or nearby the site are similarly supportive of TFAO's work and do not oppose Nordic's project.

Currently, over 500 businesses and individuals in Belfast and surrounding communities in Waldo County are actively involved or have expressed support for TFAO's work. Educational services are communicated via social platforms, print materials, public testimony and other appearances, including sponsorship of an upcoming economic development forum that will address potential benefits to Waldo County of large-scale projects like Nordic -- past and future. No formal membership is required for participation in TFAO activities or events, nor are dues or other fees charged, nor does the organization receive funding from NAF, its principals or employees. The organization is staffed entirely by volunteers who collectively are citizens, business owners and retirees spanning several generations of Waldo County residents.

TFAO has demonstrated that it has a direct and substantial interest in this matter. What TFAO can offer the Department is insight into the pattern of cultural, historic and environmental value associated with the project and its site, and which now informs perspectives expressed as support or opposition within the community. Sorting out and documenting fact from fiction, truth from legend, objectivity from subjectivity has not been an easy task, but TFAO's persistence in doing so has steadily grown the number of citizens who now have confidence in becoming involved in the licensing process. TFAO is concerned that details of this nature not distort the Department's decision-making without opportunity to intervene based on our research within the community, including countless interviews with local generational families and service agencies.

The Fish Are Okay therefore respectfully requests Intervenor status in the above captioned proceedings.

The Fish Are Okay also asks that the following parties be added to the service list for this matter:

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Date: July 12, 2019

(x) electronic signature
Signature of Diane Hunt Braybrook