

**STATE OF MAINE**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**BOARD OF ENVIRONMENTAL PROTECTION**

IN RE: APPLICATION OF NORDIC AQUAFARMS, INC.  
MEPDES Permit #ME0002771  
City of Belfast, Waldo County

**Maine Lobstering Union**  
**PETITION TO**  
**INTERVENE AS PARTY**

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The Maine Lobstering Union (“IMLU”), a cooperative corporation, organized and doing business in the State of Maine, petitions to intervene as a party in the application or applications filed with the Department of Environmental Protection (DEP) by Nordic Aquafarms, Inc. (“Nordic”) in connection with its application and plan to construct and operate a salmon fish breeding, maturation and processing plant on land of or adjacent to the Belfast Water District and adjacent to the Little River (“the Project”).

The IMLU seeks leave to intervene pursuant to the Department’s Administrative Rules, Chapter 3, RULES CONCERNING THE CONDUCT OF LICENSING HEARINGS, Section 11, Subsection A, **Intervention**.

In support of this Petition, the Maine Lobstering Union adopts the reasons for intervention asserted by Upstream above as their own, and assert the following additional grounds for intervention set forth below, including but not limited to:

1. The IMLU is Local 207 of the International Association of Machinists and Aerospace Workers (IAMAW), within District Lodge 4 of the IAMAW. The IMLU was incorporated in the State of Maine as a nonprofit fish marketing association. The corporation was organized as a “cooperative corporation” by filing Articles of Incorporation under the Fish Marketing Act, 13 M.R.S.A. §§ 2001-2287, with the Maine Secretary of State, on September 10, 2013. The IMLU is in good standing as an entity according

to the Maine Secretary of State. The IMLU's charter number is 20140002CP. For federal tax purposes the IMLU is a "cooperative" under subchapter T of the Internal Revenue Code.

2. The IMLU's bylaws summarize its purposes as:

"...[A] fish marketing association that will be operated at all times on a cooperative basis for the mutual benefit of its members, and that will not deal in products of non-members in an amount greater in value than the products handled for its members. The corporation may also purchase fuel, bait and other supplies and equipment for its members on a cooperative basis."
3. The IMLU is an organization comprised of active, licensed lobstermen and sternmen and exists to represent the interests of *only* licensed lobstermen and sternmen (as opposed to other lobster industry participants). The IMLU is the first representative organization organized as a cooperative in Maine to represent lobstermen and sternmen exclusively. The harvesters in the IMLU also have purchased and operate a wholesale and retail business that markets and sells Maine lobsters and crabs harvested by IMLU members and other holders of Maine lobster and crab fishing licenses. The IMLU's business operates under the business name Lobster207.
4. The IMLU represents lobstermen in all Maine Lobster Zones, from Kittery to Cutler, including in Zones C and D, the Zones covering Penobscot Bay, Maine, that would be most directly adversely impacted by this proposed project.
5. The IMLU has members that fish in the area directly, adversely impacted by the proposed pipeline, dredging and waste water and effluent dumping proposed by Nordic, and in all areas of Zones C and D that will suffer direct, indirect, cumulative, primary, secondary, acknowledged and foreseeable impacts from this project in the short- and long-terms.
6. These impacts include direct impacts on the abundance, distribution, health, access to and commercial value of lobsters in and from Penobscot Bay, as well as the potential adverse economic impacts from possible contamination of lobsters, which could irreparably damage the reputation for wholesomeness of *all lobsters* marketed and sold under the Maine

Lobster brand – including but not limited to lobster that are caught or landed specifically in Penobscot Bay.

7. Among those impacts is the deposition of process waste into Penobscot Bay, polluting the Bay and impairing the farming of mussels and harvesting of lobsters, and fouling beaches where members and their families swim;
8. In addition, these impacts include permanent physical loss of use and access to traditional fishing grounds by lobstermen, crabbers, urchin fishermen and scallopers in the area of the proposed pipelines and waste water and effluent dumping, and potential loss of use of a far more expansive area of the upper Penobscot Bay if the proposed pipeline and waste water and effluent dumping cause new contamination and/or the re-suspension and spread of long-dormant and buried mercury contamination from Mallinckrodt and HoltraChem.
9. IMLU members and other licensed lobstermen and crabbers have already lost the use of approximately 13 square miles of lobstering and crabbing grounds near this area due to the presence of mercury contamination. This project poses a threat of disturbing similar contamination from the same original sources (Mallinckrodt and HoltraChem), as well as new and as yet not fully revealed additional contamination that will damage the marketability and/or abundance of lobster and crab, as well as other commercially fished species in this area..
10. IMLU is willing and able and prepared to participate in this Hearing as a Full Party, has retained an attorney and has experts who have been studying this area of Penobscot Bay and/or the Project and are prepared to present expert testimony relevant to this application and proposed project.
11. Consideration of the forgoing is required by:
  - a. The Clean Water Act, 33 U.S.C. 1251 et seq. and State companion statutes and regulations;
  - b. Maine State Regulations Chapter 38, Section 413, Waste Discharge Licenses;
  - c. Maine State Regulations Chapter 7 Part 10, Concentrated Animal Feed Operations;

- d. Maine Statutes Title 38, Chapter 3, Site Location of Development;
- e. Maine Statutes Title 38, Chapter 3, Wetlands;
- f. Maine Statutes Title 38, Chapter 3 Natural Resources Protection Act; and
- g. Maine Statutes Title 38, Chapter 3, Water Withdrawal.

WHEREFORE: IMLU and its members will be “substantially and directly affected by the proceeding.”

FOR THE ABOVE REASONS: IMLU requests that this Petition for Intervention be GRANTED.

Dated this \_\_\_\_ day of November, 2018.

Respectfully Submitted,

On Behalf Of the Maine Lobstering Union

By: \_\_\_\_\_

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