

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
REQUEST FOR HEARING

The Maine Lobstering Union, a cooperative corporation, organized and doing business in the State of Maine, respectfully requests the Commissioner or the Board of Environmental Protection assign the application of Nordic Aquafarms, Inc, for an MEPDES permit to discharge process waste into Penobscot Bay for a hearing in accordance with Maine's Uniform Administrative Procedure Act, specifically, Chapter 2, rule 7 of the Rules Concerning the Processing of Applications and Other Administrative Matters.

The Maine Lobstering Union (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 Maine cooperative corporation charter number is 20140002CP. For federal tax purposes the IMLU is a "cooperative" under subchapter T of the Internal Revenue Code.

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."

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.

The IMLU represents lobstermen in all Maine Lobster Zones, from Kittery to Cutler, including in Zones C and D in and around Penobscot Bay. The IMLU has members that fish in the area directly, adversely impacted by the proposed pipeline and dredging and dumping proposed, 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. 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.

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 potential loss of use of a far more expansive area of the upper Penobscot Bay if the proposed pipeline caused a spread of dormant and buried mercury contamination, as well as additional pollution from the waste water discharged proposed by the pending application. 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 caused by prior discharging of pollutants by Mallinckrodt and HoltraChem. This project poses a threat of disturbing similar contamination from the same original sources (Mallinckrodt and HoltraChem) which is already the subject of pending federal court jurisdiction and oversight,

As reasons for this request for hearing, the Maine Lobstering Union asserts:

The application of Nordic Aquafarms, Inc. is complicated and technical and, if granted, has the potential to significantly pollute Penobscot Bay. The Maine Lobstering Union is consulting with experts who, along with members of the IMLU who fish in the area proposed for discharge, are prepared to testify concerning a number of critical aspects of Nordic Aquafarms, Inc.'s application. The adjudicator in this matter, be it the Commissioner or the Board of Environmental Protection, should have the benefit of gifted and qualified experts who will test the efficacy and accuracy of the representations made in the application and to hear from lobstermen and other members of the public who will be adversely impacted by this proposed project. In this manner, the adjudicator will be best able to render a decision in this matter that benefits Mainers living and working along the shore today and preserves the environment for generations yet unborn.

Wherefore, IMLU respectfully requests that the Commissioner or the Board of Environmental Protection schedule the application of Nordic Aquafarms, Inc. for a Hearing in accordance with the Maine Administrative Rules.

Dated at Lincolnville, Maine this _____ day of November 2018.

Respectfully submitted,

On Behalf of the MAINE LOBSTERING UNION

By: _____

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