

**EASTERN MAINE CONSERVATION INITIATIVE (EMCI) APPEAL TO THE
KINGFISH MAINE INC. PERMIT ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION ON NOVEMBER 12, 2021**

DECLARATION OF STANDING

**DECLARATION OF EASTERN MAINE CONSERVATION INITIATIVE,
ANASTASIA FISCHER**

I, ANASTASIA FISCHER, declare that if called as a witness in this action, I would competently testify of my own personal knowledge as follows:

1. I am the Board Chair of the Eastern Maine Conservation Initiative (EMCI – emcimaine.org). We maintain several easements, areas ecologically rare and vulnerable, on inner islands in Chandler Bay, Maine, across from the proposed Kingfish Maine aquaculture project. Our easements require regular monitoring to ensure the natural state of the sites is conserved, no new negatively impactful conditions have occurred, and the rare plants protected. Modeling of the dispersion of the effluents from the Kingfish Maine project has not effectively taken account of far-field impacts on the islands directly across from the plant; the locations of the sensitive areas we manage, and may significantly impact the ecological health of areas that we are legally bound to maintain. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Moreover Section 7 of the current DEP Approval has not recognized our nearby easements that have recorded rare and unique botanical features) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. Moreover, as property holders in this direct area, while we are not land-abutters, we are water-abutters (directly across from this location) and were not notified by Kingfish Maine at the beginning of this project, as required by law, which significantly handicapped us in registering as an intervener in a timely manner. This is a legal process manner and should have been addressed in the beginning of the Kingfish’s applications.

3. Our organization includes 8 Board Members (3 of whom are residents of Knox County, ME) and Advisors (1 of who lives in Washington County), all committed to supporting environmental and historical research, conservation, and preservation efforts EXPLICITLY in the Downeast coastal region, east of Frenchman Bay. The mission of our organization is to help this region preserve its natural and cultural heritage, and over our 25 years of grant-making, the majority of programs we have supported have been in Washington Country, and specifically in Jonesport and Beals. As such, we have a strong commitment to—and concern about--the environmental health and sustainability of the immediate area where the Kingfish Maine aquaculture facility is planned, and the extent to which its effluents may negatively impact the environmental and economic viability of the area.

4. Additionally, the extensive network of scientists we have supported over the years in doing research in the area, have shared with us their concerns that various critical aspects of the local ecology will be negatively impacted by the Kingfish farm. One of their most significant concerns is the high likelihood of red tide algal blooms which will be extremely difficult—if not

impossible--to eradicate once they are created “in-shore”. This would not only have a power, direct, negative impact on the local sea life, but would also effectively halt one of the major existing sources of income in this economically vulnerable region: bivalve harvesting. In this time and age, there are available zero-discharge aquaculture solutions that the Maine DEP (and DMR) should have required before approving this project; before approving a project that will most certainly have negatives impacts on the ecology and traditional economic viability of Chandler Bay. We request that the DEP and DMR explicitly address the risk of inshore algal blooms and communicate this to the community of fishermen in the area effectively. (NOTE: In the DEP’s Permit Approval, Section 6 WILDLIFE and FISHERIES only cursorily addresses the DMR review and does not include any comment on the potential impacts of the additional nutrients on the fisheries—it only addresses temperatures and salinity for scallops—and says nothing at all about far-field impacts related to the effluent dispersions as mapped in the Kingfish application for their wastewater permit. [REDACTED])

5. The Kingfish farm also threatens the wetlands ecology in an area that contains significant plant and animal species that have been identified as vulnerable by both state and federal agencies. While Kingfish Maine is making a considerable “In Lieu” payment for its impacts on this area, money will not restore an ecology, particularly a fragile one. The DEP is responsible for protecting the environment and agencies should not be receiving financial gain for allowing the depletion of our natural resources.

6. As a local landowner for over 50 years of an island in close proximity to the Kingfish farm (my immediate family owns Pig Island), and as President of US Harbors (a free coastal weather and tidal data service used by commercial and recreational fishermen and boaters), I am highly connected with the local community in Jonesport and Beals. Over the past 50 years I have directly observed the ocean environment in the area become increasingly fragile,

with multitudes of species disappearing. The less diverse, the more threatened this environment becomes: it cannot tolerate further stressors, and the Kingfish Maine permit applications explicitly states that it will be forced to, if the farm proceeds.

7. Additionally, our organization is very concerned that the impacts of the Kingfish project have not been effectively communicated to the generations of fishermen that currently rely on the area for their livelihoods. None of the fishermen we have spoken to have been provided detailed—and understandable--information on the project, specifically about how it may possibly affect their fishing grounds: it is inappropriate for the DEP and DMR to have approved a project without direct consultation with this critical group of local stakeholders.

Possible impacts they may face include:


- [REDACTED]
- Kingfish project's intake and out-take pipes will eradicate a well-known local scalloping area (an extremely sensitive fishery that is highly managed), and in Section 5 of the Approved application no mention is made by the DMR as to impacts of additional nutrients on the scallop fishery.
- The construction of the farm will impact the nearby eel grass wetland that facilitates the reproduction of not only bivalve, and invertebrate organisms, but also higher order fish which are in already in precipitous decline in the area. [REDACTED]

- As mentioned in previous bullets, there is risk of significant red-tide algal blooms which can, and frequently do, close local fisheries. [REDACTED]
- The DMR appears to have commented only on the very near-field impacts of the project, while farther-field impacts do not appear to have been reviewed or considered. EMCI requests a public hearing, to be conducted with the fishing community, on this matter: it is requisite that they be fully informed about the potential impacts their livelihoods are facing. (See missing information from Section 5 of the DEP's application approval).

8. EMCI joins with the Sierra Club Maine to request the Department of Environmental Protection respects the goals and standards set out in *Maine Won't Wait, A Four Year Plan for Climate Action*, recognizes the threat that Kingfish's effluent will have on the ecology and economy of the Maine coastline, and **creates a new standard for land-based aquaculture based on the zero-effluent technology available to emit no pollution into receiving waters, in alignment with the Clean Water Act.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of December, 2021.



Anastasia Fischer, Board Chair, Eastern Maine Conservation Initiative