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Subject:	Petition for Revocation of Nordic Licenses based upon Change in Process and Production
Date:	Tuesday, April 25, 2023 4:19:43 PM

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Mr. Martin and Ms. Loyzim-

Nordic Aquafarms did not disclose to DEP that they were abandoning salmon production in their facilities worldwide in their permit modification request to suspend and modify their condition timeline dates. Nordic had already abandoned salmon production in Europe, but on Friday, it was announced in fish farming publications, and on Monday in local California papers, that they no longer were proposing to raise salmon in their California project. As result of this last remaining Nordic salmon farming project other than Belfast changing to another fish, changing their product in Belfast was also announced last week, as well. This statement may appear to be conjecture, but the simple inability of Nordic or other salmon producers to get anywhere near their production goals needed since the Belfast licensees were issued, dictates this is necessary, and not optional, change in product. A new fish product is not a potential consideration for Nordic going forward. It is required now to survive.

This correspondence is a formal petition under 06-096 Chapter 2 Section 25(B) Modification of License or Order Prescribing Corrective Action, based upon the recent news that they are switching to another type of fish that will impact the natural and manmade resources in the area. This petition is being submitted because changes in the type of fish reared mean changes to the Northport Village Corporations (NVC) mooring field, swim float, fishing areas, and beaches.

Replacing 73,000,000 pounds of product from salmon to bottom feeder fish will change the composition of their discharge and their impacts on our resources. At 73,000,000 pounds a year this, or any change, in discharge for the initial theoretical assumptions will have a long-term, cumulative adverse impact. As a result of the change in product at these large productions rates, the license application assumptions are no longer justified.

As per the Section 25(B), the NVC can petition for revocation or modification of their licenses for a change in circumstance for this temporary or permanent modification to the license findings of fact. As per the requirements in Section 25(B), the NVC is filing this petition based upon 06-096 Chapter 2 Section 27(F), which reads *"There has been a change in any condition or circumstance that requires a corrective action or a temporary or permanent modification of the terms of the license;"*

Obviously, Nordic will need to reply to this petition in a timely manner per Section 25(B), and they can deny that this change in product in inevitable or explain how this change is not going to change their potential impact on natural or manmade resources. But the NVC believes that it is impossible to justify this change in fish product with the information present in the existing record.

If Nordic does not acknowledge that they are changing from salmon, and Nordic's licenses are modified with the suspension and change of dates as proposed at a later date, then it will be obvious that they were planning this change while they were requesting a permit modification. If Nordic suggests now that somehow Nordic will magically make salmon production work in Belfast at a reasonable capacity, when they haven't been able to do it elsewhere, but then change it later, they will clearly be in violation of their license suspension modification request based upon the criteria in 06-096 Chapter 2 Section 27(B). At which time, the NVC will again be forced to provide a formal petition to revoke their licenses under 06-096 Chapter 2 Section 25(B) and 27(B). Section 27(B) states *"The licensee has obtained a license by misrepresenting or failing to disclose fully all relevant facts;".*

In one of our first encounters five plus years ago with Nordic's design team in their office, I acknowledged that there had been individual residents in the village that had personally spoken out against their potential project and/or directly to Nordic about their opinions. I noted that there were some NVC individuals that were in favor of the project as well, but as typically is the case, were less vocal. I personally reiterated to Nordic that the NVC was not taking any sides on this project, and that the NVC was more than willing to work with Nordic to resolve our concerns in a manner that protects our direct resources.

At that particular meeting, an NVC resident accompanied me because she was concerned about her well water and the potential adverse impacts that Nordic may create on the local water table or cause saltwater intrusion by drawing water 24/7/365 from the area that everyone has since acknowledged has a quirky aquifer with respect to channeling caused by bedrock. That meeting appeared productive, but unfortunately shortly after that meeting the NVC was labelled "opposition", "anti-development" and "anti-fish farming" by Nordic publicly, and we had no more cooperative meetings with them with respect to our concerns.

Our goal is to reset that relationship if DEP revokes the current licenses and Nordic can accept that the NVC's concerns with respect to local manmade and natural resources is not the same as "opposition". Then we can all consider this process to date a learning experience, and Nordic can start anew. There are advantages and disadvantages to the changes from salmon that should involve local input from the closest public entity that will be affected, the NVC. The NVC is willing to participate in any repermitting discussions that DEP and Nordic may decide to propose. The NVC understands that the DEP is under significant budget constraints and NVC volunteers are willing to invest their own time and effort into this process to offset some of the DEP time required by compiling information for DEP that will best protect Bayside in a manner that allows Nordic to flourish.

Currently, there are clear defects, flaws and changes in law that must be addressed, and it is very hard for DEP to do it with a closed record. Simply revoking these licenses will make repermitting with a new open record so much simpler than trying to shoehorn the lessons learn to date into the existing permit conditions and timelines for DEP and for Nordic for a fish that is no longer proposed.

Please note that starting anew is not the same thing as starting over. This process will not start from

scratch. The lessons learned are real and will be helpful. For example, the original stipulation by Nordic that the entire facility had to be permitted all at once has been proven simply unworkable. It required everyone to question or justify every little detail because, it had to be right the first and only time through the permitting process. Well, that didn't work in this location. There are still too many unknowns for a fish factory of this size, and as anticipated, just the slightest change in the initial theoretical assumptions (or one big one like a different fish product) means that the conditions can no longer be correct for a facility where the "start-up" license limit goes from 0 pounds to 73,000,000 pounds of fish produced a year in only one step.

If Nordic had proposed a more reason jump from 0 pounds a year initially, and an incremental permitting effort, many design assumptions that turned out to be flaws could have been overcome the next time they submitted a permit expansion application. It would have eliminated the need for all of this speculation about Nordic's ultimate impact and the plethora of license related lawsuits. Reasonable future modifications would have been within the DEP's control. The facility would have had proof of concept along the way. And the public would have been assured by actual results. Just employing this one lessoned learned, a truly phased permitting approach (not just a two-phase construction schedule proposed in one permitting step), would make any repermitting effort so much more workable and successful going forward than trying to salvage these spoiled licenses.

It is important to recognize that any due diligence concern by the NVC has nothing to do with NVC residents' or landowners' individual opinions with respect to fish farming preferences, as Nordic often asserts. Due diligence and minimal adverse impact are all that we are after. They are vital to our village that has been nicknamed "Bayside" for over 150 years.

In summary, this petition is for the Board to revoke the licenses and have Nordic repermit, with the NVC as a stakeholder in the process, if desired.

After the licensee's response to this petition has been submitted to the appropriate parties and the DEP reviews the information, and in the event that the Board/DEP does not approve revocation, then this petition also includes a formal hearing request for what is a permit modification for change in circumstances (i.e. 100% change in fish product).

This email is being converted to a memorandum for formal submission, but is being provided first here as an email in the interest of timeliness.
Thank you for your time.

Michael Lannan
NVC Liaison for Nordic Aquafarms Permitting

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