

STATE OF MAINE  
BOARD OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

NORDIC AQUAFARMS, INC	)
Belfast and Northport	)
Waldo County, Maine	)
	)
A-1146-71-A-N	)
L-28319-26-A-N	)
L-28319-TG-B-N	)
L-28319-4E-C-N	)
L-28319-L6-D-N	)
L-28319-TW-E-N	)
W-009200-6F-A-N	)


SWORN STATEMENT OF JAMES DORSKY

After being duly sworn, I, James Dorsky, depose and state as follows:

1. My name is James Dorsky, I am a licensed Professional Land Surveyor with Gartley & Dorsky Engineering & Surveying.
2. Gartley & Dorsky Engineering & Surveying is a Maine Company with its principal place of business located at 59B Union Street, Camden Maine 04843.
3. I make this statement under oath in denial of claims made in the Rebuttal Testimony of Paul Bernacki, dated January 17, 2020.
4. I reviewed Mr. Bernacki’s Rebuttal Testimony (attached), and hereby affirm that I did not have any conversation with Mr. Bernacki in which I “emphatically stated that the Eckrotes property rights end at the High Water Mark, and do not include any intertidal property.”

[INTENTIONALLY LEFT BLANK]

DATED: February 4, 2020

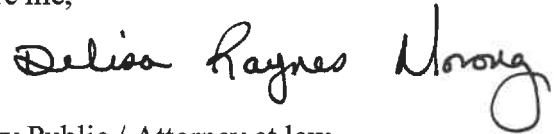
  
James Dorsky  
Licensed Professional Land Surveyor

STATE OF MAINE \_\_\_\_\_  
County of Knox, ss.

February 4, 2020

Personally appeared before me the above-named James Dorsky and made oath that the following statements are true and accurate and are based on his own personal knowledge.

Before me,



Notary Public / Attorney at law

DELISA RAYNES MORONG  
Notary Public, Maine  
My Commission Expires July 11, 20

STATE OF MAINE  
BOARD OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

NORDIC AQUAFARMS, INC )  
 Belfast and Northport )  
 Waldo County, Maine )  
 )  
 A-1146-71-A-N )  
 L-28319-26-A-N )  
 L-28319-TG-B-N )  
 L-28319-4E-C-N )  
 L-28319-L6-D-N )  
 L-28319-TW-E-N )  
 W-009200-6F-A-N )

SWORN STATEMENT OF WILLIAM B. GARTLEY

After being duly sworn, I, William B. Gartley, depose and state as follows:

1. My name is William B. Gartley. I am a licensed Professional Engineer and President of Gartley & Dorsky Engineering & Surveying.
2. Gartley & Dorsky Engineering & Surveying is a Maine Company with its principal place of business located at 59B Union Street, Camden Maine 04843.
3. I make this statement under oath in denial of claims made in the Rebuttal Testimony of Paul Bernacki, dated January 17, 2020.
4. I reviewed Mr. Bernacki’s Rebuttal Testimony (attached), and hereby confirm that I did not make the statements attributed to me by Mr. Bernacki’s in the second to last paragraph of his Rebuttal Testimony.
5. I never “emphatically stated that the Eckrotes property rights end at the High Water Mark, and do not include any intertidal property.”
6. I am not a licensed Surveyor, as stated by Mr. Bernacki. I am a licensed Professional Engineer.

[INTENTIONALLY LEFT BLANK]

DATED: February 4, 2020

  
William B. Gartley  
Licensed Professional Engineer

STATE OF MAINE \_\_\_\_\_  
County of Knox, ss.

February 4, 2020

Personally appeared before me the above-named William B. Gartley and made oath that the following statements are true and accurate and are based on his own personal knowledge.

Before me,



Notary Public / Attorney at law  
DELISA RAYNES MORONG  
Notary Public, Maine  
My Commission Expires July 11, 20

**Rebuttal Testimony of Paul Bernacki**

My name is Paul Bernacki. I am a Maine DEP certified erosion and sedimentation contractor, license # 2767, with over forty years of experience in wetlands consultation and land management, shorelands projects, and uplands forest and farm management projects. I am practiced and experienced in the mitigation of erosion via living shoreline, plant and natural material stabilizations and DEP permitted structural shoreline and inter-tidal projects. I represent and manage the shorelands of multiple land owners in the area that will be directly and indirectly impacted by the proposed NAF project.

I am acting as a consultant to Intervenors Mabee and Grace, whose shoreland I manage, and the Maine Lobstering Union.

In the normal course of applying for DEP and Town permits, and designing and implementing shoreland projects, I have gathered forty-years of working experience involving property boundary law and practice and have formal associations with licensed surveyors and engineers. As a result, I have extensive personal professional experience locating property lines on the ground and at the high and low tide marks. Locating mean and normal low tide locations is essential to my practice, as I am required by law to accurately locate geographical and legal boundary features and monuments for permitting and construction of every shoreland project. I have some thirty-five years of practice in interpreting deeds and easement boundary descriptions and interpretation of surveys as related to private property interests and projects that I am supervising or designing.

I have reviewed the direct testimony, the applications and various exhibits and other materials submitted by Nordic Aquafarms Inc. (hereinafter "NAF") in support of their applications and I have determined these to be incomplete, and inadequate to make an accurate assessment of all potential impacts. This testimony is submitted as rebuttal testimony to discuss the glaring omissions in the filings NAF has provided the Board and Department. This testimony supplements my prior citizen comments, which are incorporated by reference herein. I affirm and swear to the accuracy of all of the testimony I have submitted and submit today as true and correct to the best of my knowledge and belief. I attest that this testimony is based on my personal knowledge, information and belief and direct inspection and assessment of the actual proposed ground of the intake and outfall pipe system, as well as registered legal documents contained in the Waldo County Registry of Deeds.

The applicant NAF has failed to carry its statutory burden of proof in support of its various permit applications, specifically those relating to requested dredging, trenching and sediment disturbance in the intertidal and sub-tidal coastal wetlands and the impacts on the environment from these proposed actions. Further, Nordic has failed to submit direct testimony from adequately credentialed professionals, including the actual professionals (engineers, surveyors, geologists and erosion and sediment control experts) who have prepared the documents submitted by NAF in support of its applications and direct testimony. As a result, sworn statements from the professionals who allegedly created these documents – which often appear to have been altered from their original form – are not available to the Board or interested parties. Consequently, the Board and parties are denied the ability to determine why, for example, the same line is described with different (often contradictory) description labels on different documents, plans and/or surveys, and parties will presumably be unable to cross exam

the responsible professionals regarding the source and purpose of such alterations on these documents, plans and/or surveys.

In the absence of sworn testimony by the actual professionals who have prepared the underlying documents, and the actual digital copies of those documents that are readable, and consistent, it is impossible for Intervenors, interested parties, members of the public and/or their respective experts to accurately evaluate and submit testimony relating to the full range of potential impacts of the proposed project. More importantly, it is likewise impossible for the DEP staff to properly conduct such evaluations and advise the Board of the actual and potential direct, indirect, and cumulative impacts on the environment of this proposed project and the impact directly to land of other landowners.

I incorporate Exhibit 1, a letter from Shawna N. M. Barnes, media design professional, regarding the image - file deficiencies that we have experienced in trying to evaluate this project. While we timely requested that the applicant be directed to file original digital copies, the Board did not grant this request in time for us to review the proper documents to meet the filing deadline for rebuttal testimony. As a result, we, the Board and DEP staff, were denied access to the documents actually required to fully and accurately assess the impacts proposed by this applicant.

Accordingly, I urge the Board, the Department, the Commissioner, and Director of Land to call for a postponement of the hearing before the BEP, reopen the application, and initiate further formal questioning to the applicant and the applicant's contributing agents to make a proper assessment of the impacts from this project on the water quality and biota of Penobscot and Belfast Bay and the stability of the sediment in the area proposed for pipelines placement, dredging, blasting and trenching, and the impacts to the coastal beach and bluff stability of Northport, Bayside and Belfast properties adjacent to the areas proposed for development, dredging, trenching, filling, and blasting. Additional sworn testimony and signed and sealed engineering and survey documents for each and every aspect of this project including any contractors or associated engineering firms whose employees are producing documentary or evidentiary filings in support of this application is needed. The following NAF agents and contractors: Elizabeth Ransom; Lauren Walsh and Kevin J. Trainor (Cianbro Staff); James Wilson, PE (Woodward and Curren staff); Normandeau Environmental Assoc. Inc. (including the actual staff who have conducted studies for this project); Gartley and Dorsky engineering/surveying (specifically James Dorsky PLS). should be required to produce consistent and detailed final versions with individually sworn and signed an sealed documents .

Under NRPA (chapter 418 and subsections thereof), NAF must be required to address various requirements for its proposed "re-use" of "dredge spoils" resulting from the proposed NAF pipeline trenching (i.e. dredging), blasting and redeposit of dredging spoils amounting to at least thirty to forty thousand cubic yards. Adequate studies of this critical data are absent from the materials submitted to date by this applicant. This area has been identified as having significant HoltraChem mercury deposits according to the Phase II sediment study conducted by the federal court's experts in the still-pending Mallinckrodt litigation. I have previously submitted Chapter 5 of the federal court's Phase II study to DEP staff for consideration and incorporate that document by reference here.

It is available online at: <https://www.nrdc.org/sites/default/files/chapter5-penobscot-mercury-study-report-mallin-201304.pdf>

The core sampling done by the federal court's experts was done using the most accurate method for identifying the amount and location of the mercury deposits. This method was developed by the Court's neutral experts more than a decade ago during the Phase I portion of their studies for the federal court. The Penobscot River Mercury Study standard requires an adequate number of core samples, taken to a depth of 90 cm with every 1 cm segment tested for mercury from 0-20 cm, every 2 cm segment tested from 21-40 cm, and every 5 cm segment tested from 41 cm to the depth achieved down to 90 cm where possible. No compositing (combining) of material in a single core sample nor compositing of material from multiple core samples is permitted because such compositing obscures the location (depth) of any mercury present and diminishes the actual levels of mercury present by diluting the contaminated material with clean glacial till located at lower depths in the core.

The core samples taken by the court's experts during the Phase II study that are closest to the area proposed for the NAF pipelines show elevated levels of HoltraChem mercury. See Figure 5-8 (ES 8A, ES 8C and ES 7A, and the sediment testing charts at pages 143-145 of Chapter 5. These samples show mercury levels in mercury buried at the depths of materials NAF proposes to disturb to place its pipelines are at up to 495 ng/g in the sediment, while normal background mercury levels for the State of Maine are no more than 50 ng/g. Despite the significant environmental and economic threat posed by the risk of disturbing this mercury, no core samples have been taken by NAF along the actual proposed pipelines route. In fact, I see no approved sediment sampling plan from DEP to this applicant in the record establishing such a sediment sampling plan, although the Board's legal counsel advised during the last pre-hearing meeting that dredging was a part of the NRPA review process.

Rather, the testing submitted by the applicant was for only 3 cores, ranging in depth for 1.5 feet to 6.5 feet (roughly 45 to 200 cm) were done along the abandoned second pipelines route, with no core samples tested for heavy metals including mercury along the actual third route for which permits are requested. Further, the 1.5 and 4.5-foot cores were combined with each other prior to testing and the 6.5 foot core had all material within the core sample combined – diluting the level of mercury by mixing contaminated segments with clean glacial till in lower levels of the core sample(s). Even with these deficiencies the 6.5-foot core showed a level of 237 ng/g of mercury present. This level suggests much higher levels of mercury were present in the upper levels of sediment in this area.

As grounds for postponement of the scheduled hearing and request for additional studies and information, I reference the following omissions from the applicant's submissions to the Department:

- A lack of registered deed-based surveyed locations and monuments depicted in plans and referenced in narratives relating to erosion, sedimentation control and construction;
- Contradictory, confused plan versions, showing false location lines and labels (i.e. the same line is labeled as being different things on different plans and the labels

often identify the line falsely as being something it simply could not be (e.g. “boundary line if flats conveyed”));

- Geotechnical and geochemical testing data of abandoned proposed coastal wetland project sites in the record as support for permit (currently there are no such geotechnical studies submitted by this applicant);
- Lack of project plan consistency in various state and local and federal agencies (the applicant has submitted contradictory plans and studies to different agencies within the State, as well as to local and federal regulators);
- Failure of actual TRI as regarding submerged lands leasing ability (no recorded deeds nor surveys, including those commissioned by NAF and the Eckrotes, supports NAF’s claim that they have any ownership interest in the intertidal lands that they propose to permanently alter by dredging, trenching and blasting);
- Lack of prudent due diligence regarding intertidal and sub-tidal soil structure impacting pipeline foundation function and constructability claims and narratives (the applicant has not submitted and may not have even done any studies of the sediment in and along which they propose to place the pipelines, although this fine sediment is Holocene mud replete with significant methane deposits making it highly unstable for placement of the infrastructure and anchors NAF proposes to use for its pipes);
- Failure to factor in or obtain data for actual currents, sediment grain size and scour potential in claims of pipeline impacts (no such studies have been provided by the applicant);
- Failure to substantiate claims that the one hundred foot wide “temporary” impacts along the pipeline route would magically disappear in 6 months after being mangled with a 4 ton clamshell dredge (no studies exist in the record for the impacts from re-suspension of this volume of sediment on the water quality or biota, including lobsters – whether this sediment contains mercury or not (prior dredge projects smaller in scale than proposed here have had adverse impacts on fishing and lobstering that lasted a decade));
- HG mercury testing is grossly inadequate, as noted above, and demonstrates a deliberate obfuscation of the facts relating to the presence and amount of mercury in the area proposed for development and utter disregard for the lives, livelihoods and safety of Maine citizens and creatures who depend on Penobscot Bay (pretending the mercury from HoltraChem does not exist will not prevent it from causing an economic and ecological disaster if re-suspended).

Following are representative narrative data and legal concerns that further address the inadequacy of NAF’S supporting narratives, plans, data and evidence regarding coastal wetlands impacts of this proposed project.



***Power-point of in the record exhibits submitted by NAF, engineering and survey plans, property surveys and applicant reference to such in answer to DEP questioning, unaltered and in original form as submitted.***

I conducted a comparison of all NAF-submitted plans and narratives using such plans as locational data, relating to the pipeline location ***on the ground*** as relating to location of actual TRI available by contract to the applicant through options. I ignored, as we must, redacted unregistered deeded "releases " with no descriptions or attachments showing monuments or locations on the ground. I reviewed all plans and surveys ***in the record*** in relation to sedimentation, erosion and bluff instability for the risk of impact to adjoining properties and in relation to location of adjoining properties on the ground for the purpose of reporting to the adjoining owners in regards to risk of proposed construction and long term impact(s) of various kinds from NAF's proposal.

These reviews reveal numerous contradictory, confused, and unsubstantiated representations by professional documentation as required by law, claims of rights, a lack of legally-cognizable documentation describing such boundaries submitted by the applicant, and a lack of actual monumentation **ON THE GROUND** relating to any documentation supplied by the applicant. NAF has made claims of various qualified method-derived and out right mythical representations on the numerous editions/amendments supplied by the applicant of so-called engineering documents. The documents submitted are both contradictory of one another and inconsistent with monuments on the grounds.

In the direct testimony and exhibits submitted, Nordic lacks credentialed professionals supplying sworn, responsible testimony and readable original (signed and sealed) surveys and plans in support of the applications. Instead, they have supplied surrogate and non-qualified or falsely qualified "sworn witnesses" and obscured, reduced snapshots in substitution for readable and reviewable information, including surveys and plans.

Official notice of Maine surveying law:

**32 M.R.S. § 18201 (Definitions):**

**4. Land surveying.** "Land surveying" means any service or work involving the application of special knowledge of the rules of evidence and boundary laws, principles of mathematics and the related physical and applied sciences for measuring and locating lines, angles, elevations and natural and man-made features in the air, on the surface of the earth, ***within underground workings and on the beds of bodies of water.*** This service or work is for the purposes of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including topography, alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

A person practices or offers to practice land surveying within the meaning and intent of this chapter if that person engages in land surveying or by verbal claim, sign, advertisement, letterhead, card or in any other way makes a representation that the person is a professional land surveyor or makes a representation that the person is able to perform or does perform any land

surveying service or work or any other service designated by the practitioner that is recognized as land surveying.

[PL 2013, c. 180, §5 (NEW); PL 2013, c. 180, §6 (AFF).] (emphasis supplied).

§18226. Seals; stamps

1. Seal; design; final documents; alteration; official notice. A professional land surveyor shall obtain a seal of the design authorized by the board by rule.

A. All final documents, including plans, descriptions, reports, maps, plats or other drawings must be signed and sealed by the issuing professional land surveyor, as prescribed in the rules of the board.

B. If an item bearing the seal of a professional land surveyor is altered, the altering professional land surveyor's seal and signature must be affixed with the notation "altered by," the date and a specific description of the alteration.

***C. An official of this State, or of any city, county, town or village in the State, charged with the enforcement of laws, rules, ordinances or regulations may not accept or approve any plans or other documents prepared within the meaning and intent of this chapter that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed.*** [PL 2013, c. 180, §5 (NEW); PL 2013, c. 180, §6 (AFF).] (emphasis supplied).

Here, survey plans submitted with the application appear to be lacking the proper signatures and seals of the surveyor(s), including after apparent alterations have been made to the original plan by someone.

#### **Dredge Spoils Redeposit**

I find troubling the inexplicable lack of testing, *OF ANY SORT*, by the applicant's agents along the CS101 current proposed route for contaminants (i.e. pollutants). The risks posed by this gross omission of needed information by the applicant is made worse by the seemingly rushed, "light" review that has been done by Department staff. The cursory nature of the review of the applicant's submission(s) was made clear to me by the lack of available public documents provided in response to my requests for information under FOAA regarding DEP staff engineering review of the applicant's submissions.

It is under law that the onus is on NAF, not the Public, Intervenors, the DEP or the directly affected inhabitants of the area, including the abutters and the Belfast and Northport Planning Boards, for conducting this testing and analysis to support the Site Location (SLODA) and natural resources (NRPA) conditions for this industrial factory proposal. It is the applicant's burden and duty to fund and to supply all required tests. Nordic should be required to provide the needed-for-proper-review geotechnical, pollutants sampling, and geological testing of the *actual site* and sediments proposed for development, and to pay to have submissions reviewed by appropriate, qualified, contractual professional personnel and firms engaged by the DEP-BEP to supplement staff expertise. This project proposes to do something that has never been done before and then proposes to place it in a fragile aquatic ecosystem – the protection and integrity of which is essential for the livelihoods of thousands, if not tens of thousands, of

Mainers. The applicant has not fulfilled this duty and to date the DEP has failed to require them to do so.

In the recently settled York Beach Seawall debacle between the City of York and the Department, the Department hired an engineering/consulting firm to assess impacts of the "structural changes" to the seawall and the resulting sediment transport and deposit issues along shore and sub-tidal areas adjacent to the lengthy PUBLIC seawall (located mostly at the HAT (high water) Line. The, DEP and Commissioner Reid required as a settlement of the issues of effect on sediment transport, an arrangement for the Maine Geological Survey Staff to prepare a required monitoring program for the sediment transport effects on an ongoing basis.

***The Nordic/Cianbro / Woodward Curren proposal that extends offshore close to a mile creates a similar potential erosion effect in the coastal wetlands of the western Penobscot Bay and Belfast Bay, except that this area of the Belfast Bay is known to be contaminated by HG mercury from HoltraChem that is currently buried and poses no threat to public or aquatic health as long as it stays buried. This application is inexcusably insufficient in data for the purpose of review of the risks of disturbing this mercury or damaging the environment of this area, including causing devastating erosion from the proposed construction and existence of this pipeline, on the part of serious professionals engaged in the conduct of serious business much less the expense and imposition on the Public ,the DEP and the Board , regarding the current information attached to the Nordic application .***

Under NRPA (chapter 418 and subsections thereof), and other Federal law and code, NAF must be required to submit specific testing protocol plans for approval and consistency with federal and State mandatory requirements for testing requirements before any proposed "re-use" of "dredge spoils" resulting from the proposed NAF pipeline trenching (i.e. dredging), blasting and redeposit of these dredge spoils. NAF attempts to evade the legal requirements for testing material to be dredged and the dredge spoils from their proposed dredging under the Clean Water Act by re-defining the material removed with a clam-shell dredge for its pipelines as something other than "dredge spoils".

These dredge spoils, which amount to at least thirty to forty thousand cubic yards of material,, don't and won't magically disappear because of NAF's and CIANBRO's proposal to stuff-it-back-in-the-hole. Under NAF's and CIANBRO's flawed reasoning,if dredge spoils are returned to whence they came in a short, but uncertain, amount of time over the course of winter underwater construction, leaving the material on the bottom adjacent to the hole as so-called "sidecast,"<sup>1</sup> and left on the bottom in a daily eroding heap 70-feet wide) than this disturbed material would never actually would become "dredge spoils". Thus only what was left out of the

---

<sup>1</sup> 'Sidecasting,' which involves placing removed soil alongside a ditch, and sloppy disposal practices involving significant discharges into waters, have always been subject to Section 404. 58 Fed. Reg. at 45,013." Slip opinion at 5, n. 4. Consistent with the Court's decision, examples of activities involving discharges other than "incidental fallback" include ditching activities where the excavated material is sidecast into waters of the U.S., and activities that result in either the temporary or permanent stockpiling or disposal of dredged material in waters of the United States.

<sup>1</sup> Courts have similarly recognized that sidecasting (the piling of excavated dirt on the edge of a ditch or elsewhere in a wetland or other water of the U.S.) has long been a discharge regulated under CWA section 404. *NMA*, 145 F.3d at 1407 (D.C. Cir. 1998)

“backfilled” hole (i.e. so-called extra dredge spoils) would become DEP and USACOE regulated “dredge spoils” into the waters of the United States and only this limited amount of material would require protocol testing measures.

NAF and CIANBRO also have a solution to the problem of any redeposit of “dredge spoils” left out of the hole. They propose “removal “ from the waters with clamshell dredge, loading the material on a barge, and trucking this untested material to a non-hazardous upland waste disposal site -- never to be counted (or tested) as dredge spoils at any time. And we should all trust NAF that this won’t spread HoltraChem mercury contamination to the inland water supplies of the Maine citizens who live near this non-hazardous waste disposal site.

Thus the disappearance of forty thousand cubic yards of mercury-contaminated solid waste can be transformed into five thousand yards of “extra “ material into the Orono Maine landfill at “Juniper Ridge” so the HoltraChem mercury can leach back into the Penobscot River and adjacent fresh water aquifer(s).

I ask the chair to take notice of the following authorities, rules and applicable regulations;

- Normandeau report, figure 18-1 location of sediment samples (in the record) sworn testimony exhibit Normandeau Environmental Assoc. from Elizabeth Ransom prefiled testimony, Nordic exhibit 7 , section 18 solid waste;
- 33 CFR part 323, Permits for discharge of dredged or fill materials into the waters of the United States, 33 U.S.C. 1344;
- **Maine Solid Waste Management Rules: CHAPTER 418, BENEFICIAL USE OF SOLID WASTES, Last Revised: July 8, 2018;** and
- **Maine DEP Issue Profile:  
Applications to Dredge or to Dispose of Dredged Material in Coastal Waters 1997**

The so-called "due diligence" of NAF's agents and associates are not sufficient to seriously review or respond to at this time, by myself as a professional consultant except by pointing out the entire lack of actual project footprints and dredge materials testing, much less the woeful inadequacy of the non-site tests submitted by the applicant.

There is no plausible excuse for the lack of relevant data and testing from this applicant. The lack of geotechnical testing of the actual project's proposed excavation area and proper testing of the dredge spoils that they will generate violates all applicable requirements under State and federal regulations relating to the enforcement of the Clean Water Act. Regulators have been provided insufficient evidence from the applicant relating to critical aspects of this project, so as to define, understand and regulate under the law by the DEP, the effects on the Bay as a whole and the adjoining properties, shoreland and upland bluffs, as well as habitat and ecological functioning. These omissions of critical data are simply offensive and dangerous to all in the

State of Maine who require clean air, water and seafood (including lobsters which are the foundation of the local economy in this area).

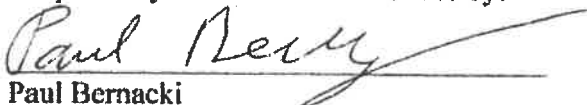
**Coastal Wetlands /Intertidal erosion /accretion and bluff stability:**

On Wednesday, Jan/15/19 I had occasion to perform an erosion and bluff stability assessment for two of my shoreland owners, Jeffery Mabee and Judith Grace, and for the Friends of the Harriet L. Hartley Conservation Area. Having studied three separate and cross-referenced signed and sealed surveys of this property, all of which are in the Record for these proceedings, I feel quite confident that in law and fact that I was assessing the entire intertidal area from the Little River to the former shoreland of Rod Helmers to the Northeast. As shown by the Richards' survey and the Dorsky survey.

My assessment concluded that these fragile intertidal wetlands and coastal bluffs would be severely impacted, over an extent of some ten acres and that the entire unstable bluff would be further destabilized by any such activity of construction, dredging, and a construction mat, barge lineup and disturbed thirty-foot wide trench as proposed by the applicant. My review of the records in the Waldo County Registry of Deeds revealed conclusively that there is no actual evidence of ownership or rights in law or fact that I found, or that any of the four surveyors who have made the plans in the Record could find to base sealed and signed documents on. These Surveyors I consulted with in review of their respective plans are; Will Gartley/James Dorsky, Gusta Ronson and Donald Richards. They all stated emphatically that the Eckrotes property rights end at the High Water Mark, and do not include any intertidal property.

For all of these reasons, I implore you to require this applicant to supply the necessary, but currently missing information detailed above and to suspend review of these applications until all of the necessary and essential information is required for a proper review of this proposed project.

Respectfully submitted and sworn to by:

  
Paul Bernacki

Jan 17/2020



To Whom It May Concern:

My name is Shawna N.M. Barnes. I am a graphics and multimedia design professional employed by Images in Belfast, Maine. I had been presented with a file that is 8.5" x 11" as a PDF. I was asked to enlarge the image (please see attached) to the original size. This request was not able to be fulfilled as a result of how image and file resizing works. The image depicted in the document was reduced from its original size to be able to fit within the standard document size of 8.5" x 11". Due to the file appearing to be an architecture print, I explained that the most likely original size of the file/image was 24" x 36". Once the file has been reduced in size to allow it to fit onto the smaller page, it cannot be enlarged to its original size at the same resolution. When a large image – a PDF in this case - is reduced in size without maintaining file resolution, it cannot be enlarged to a larger size without losing clarity. Any enlargement of the file/image will result in it appearing blurry and out of focus. When resizing an image, it is common to reduce the resolution in order to keep a smaller file size. Most images that are embedded in a file are done at 72dpi (dots per inch) which is a low resolution. This is often done to prevent unauthorized reproduction. 300 dpi is the gold standard for image size that allows for resizing and maintaining detail and clarity in that resizing. The only way to enlarge an image that has been embedded in a document is to have access to the original file image at the original size.

If you have any additional questions concerning the technical aspects of image/file resizing please do not hesitate to ask. I can be reached at 207.338.5411 or through email at [info@images-belfast.com](mailto:info@images-belfast.com).

See attached examples/documents as provided by Paul Bernacki that are affected by the file resizing limitations as explained above. For inclusion in this letter, the PDF images referenced below have been converted from a PDF to a PNG file to allow for embedding in this Microsoft Word Document.

Respectfully,

A handwritten signature in black ink that reads "Shawna N.M. Barnes". The signature is written in a cursive, flowing style.

Shawna N.M. Barnes

*This information is presented based on my personal knowledge and is true and correct to the best of my knowledge and experience; it is submitted under penalty of perjury.*

Enclosures:

*\_Elizabeth Ransom, exhibits testimony dec\_19 pipe rts option 2 42 (1)*

*Pg 3 from file "145 Nordic"*

*Pg 4 from file "145 Nordic"*

15 Main Street  
Belfast, Maine 04915



# IMAGES

207.338.5411  
207.338.1010  
info@images-belfast.com

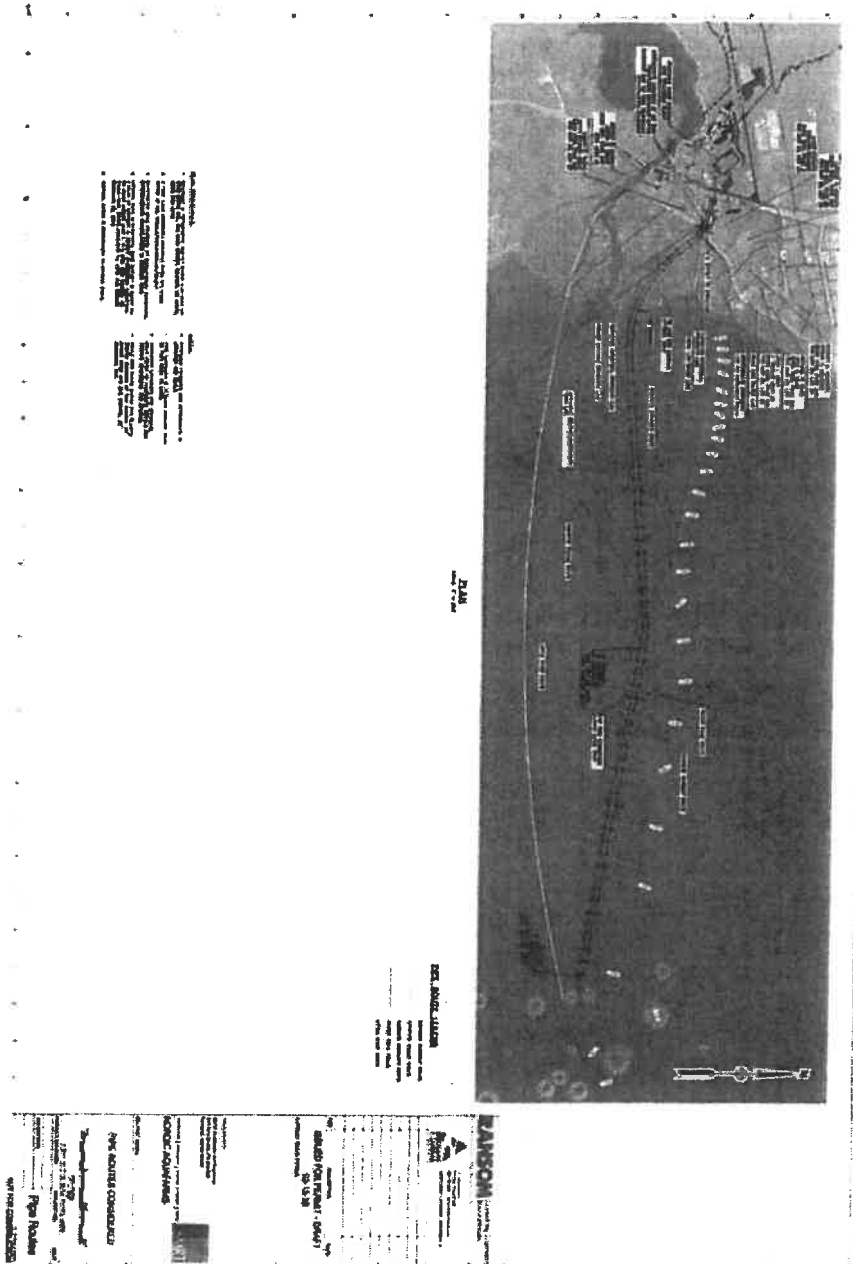
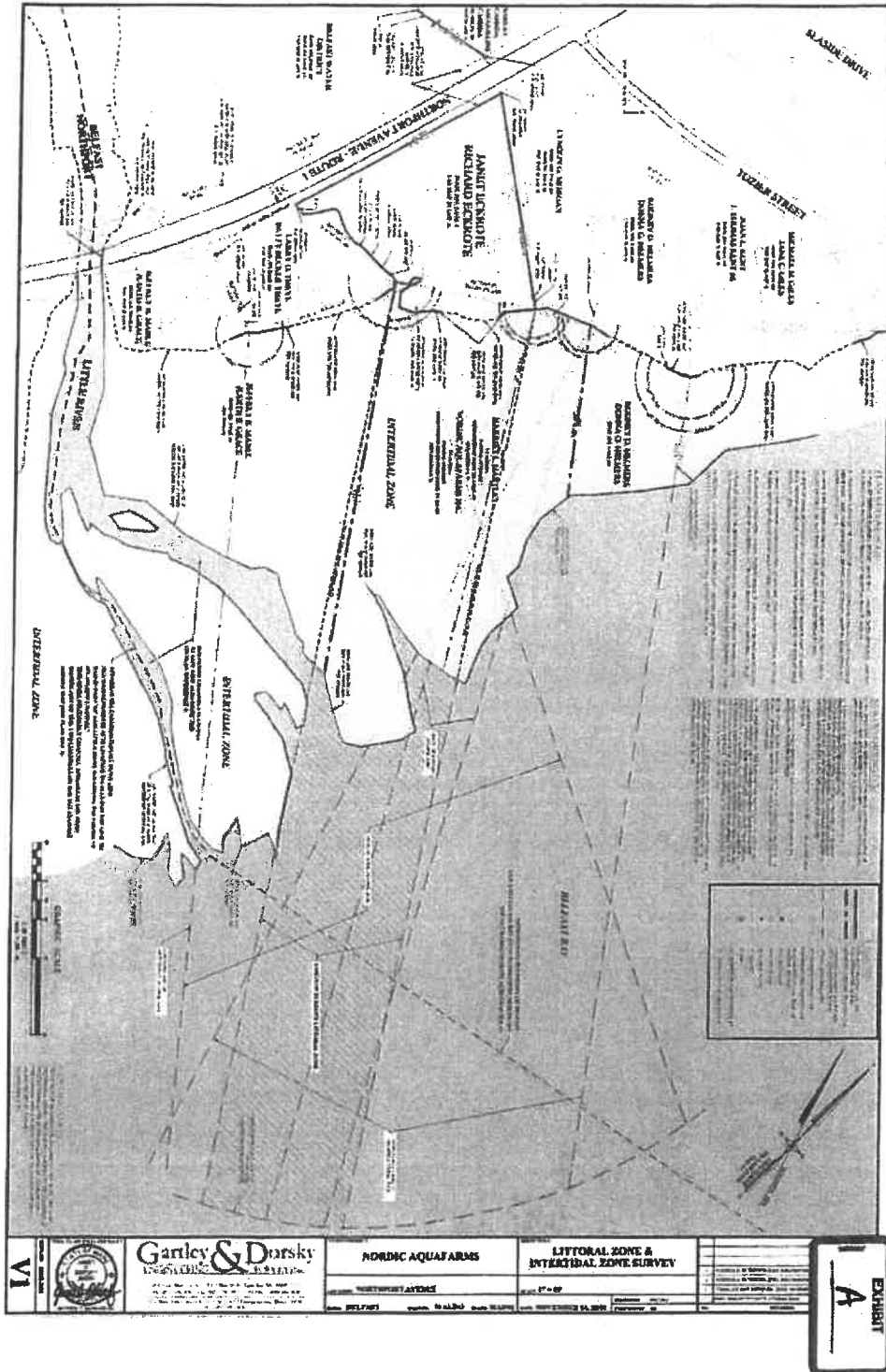


Figure 2-6

**MG/MLU 2**

*Elizabeth Ransom, exhibits testimony dec\_19 pipe rts option 2 42 (1)*



Pg. 3 from file "145 Nordic"

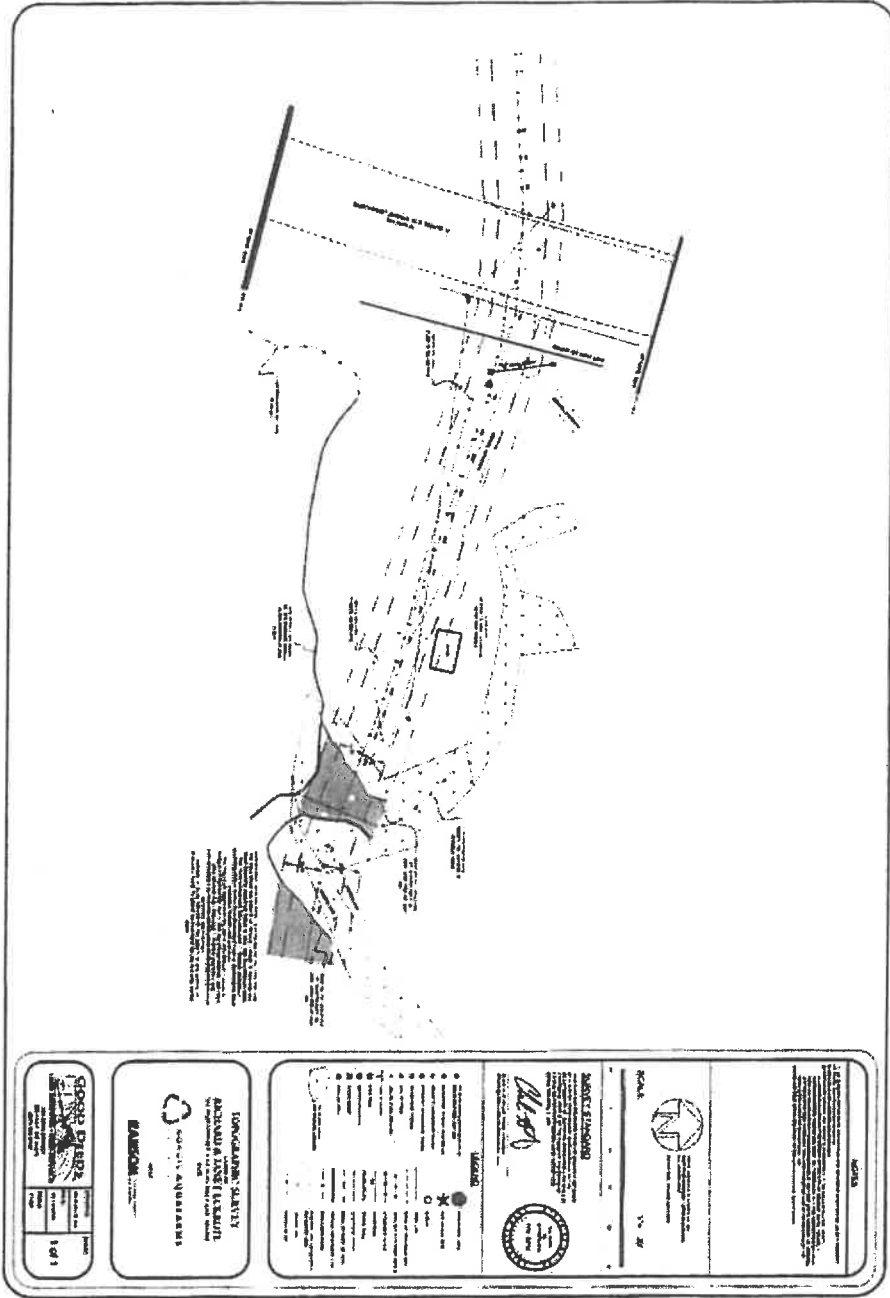


15 Main Street  
Belfast, Maine 04915



# IMAGES

207.338.5411  
207.338.1010  
info@images-belfast.com



Pg. 4 from file "145 Nordic"

MG/MLU 5