

**POST-HEARING BRIEF
ON BEHALF OF THE FISH ARE OKAY
IN THE MATTER OF NORDIC AQUAFARMS, INC. APPLICATIONS**

The Fish Are Okay (TFAO) is an organization of Belfast citizens that joined together to object to ongoing calls from activists for immediate dismissal of Nordic's applications. Among active members in TFAO are individuals who own property directly affected by Nordic Aquafarms' proposed salmon farm and are inclined to favor the project.

We also interact with others in Belfast and surrounding coastal communities who similarly welcome Nordic's concept for the project, assuming positive findings by the Board of Environmental Protection (BEP) and the Belfast Planning Board (BPB) that construction and operation of the salmon farm will meet the requirements of applicable State and federal law as well as local ordinances. TFAO has concentrated on providing fact-based information to the public, encouraging debate about how these facts about Nordic's project will impact the community. All of us are in complete agreement that full and formal vetting by BEP and the BPB are in the best interest of Belfast and surrounding coastal communities.

TFAO is not structured as a traditional environmental advocacy organization, nor do we engage in commerce or academia as do most of the other Intervenors. Therefore, once the list of relevant topics was narrowed to the most critical and contentious issues (primarily science and technology-related), we focused primarily on Nordic's efforts to work constructively toward positive outcomes in problems raised by property owners in the project's neighborhood. The information we gained as a participant -- both pro and con -- was invaluable in fulfilling our commitment to community members to keep folks informed about issues raised in the proceedings, and we are grateful to the Board for giving us a spot at the table.

The attached map of properties adjoining the Nordic project site (Attachment #1 - Adjoining Properties) was submitted for the record in connection with TFAO's testimony at the Intervenor sessions at BEP's public hearings in Belfast in the second week of February 2020. It is attached here as a helpful reference to landowners and issues raised over the course of the BEP process. As noted by the map's color-key, six (6) property owners in the neighborhood oppose Nordic's project; ten (10) have actively voiced support for Nordic; and eleven (11) are out-of-state owners of seasonal or rental property, or are owners who have not shared their opinions (for, against or indifferent) for a variety of reasons.

This map is also as useful tool in putting the scope of the Nordic project into perspective. It's not unusual for the tone and demeanor of those who oppose a project to become increasingly more strident than those who are comfortable with a new undertaking. And that is what has happened over the course of BEP's sessions. Your board members and staff are accustomed to sorting through the hyperbole whereas non-participants living in Belfast are shocked by "the sky is falling" rhetoric. If TFAO has evolved through this process toward an ultimate goal, it is to repair the discord and misunderstandings that have so deeply cut into the city's sense of community. We're choosing therefore to revisit and put into perspective issues that have inflamed much of this emotion. We are relying upon this map and the Board's initial List of Possible Hearing Issues Identified by Intervenors (dated 10/17/2019) as a format for our discussion of the credibility and sufficiency of the evidence.

Site/NRPA -- Operations: noise, odor

As the series of maps at BEP sessions have demonstrated, the neighborhood surrounding the Nordic project site is a mixture of manufacturing, retail, residential, farmland

and forest. Historic use, local zoning and the close proximity to Maine's primary coastal highway (Route 1) over many decades infers that residents and recreational users have never been shielded from noise associated with construction and normal operations on these mixed use properties. TFAO witness Gef Flimlin -- a retired professor of aquaculture and marine extension agent at Rutgers -- owns the property most closely adjoining the buildings that will house Nordic's fish-growing operations. As Flimlin testified in February, his four decades of experience with aquaculture operations gives him no cause for alarm nor objection to Nordic's proposed operations as designed, including noise and odor. TFAO has concluded from testimony and from conversations with a broad cross-section of local citizens that the construction of a fish farm at this location is not a potentially insurmountable regulatory catastrophe, as some claim; rather, it's a simple case of opposition to economic development on a scale larger than locally-owned retail. (Attachment #2: Pre-filed Testimony of Gef Flimlin dated 12/13/2019 and presented 2/12/2020)

Finding #1: TFAO recommends to the Board that Nordic's proposed operations do not materially alter the mixed uses already present in the neighborhood nor unreasonably infringe upon other owners' use and enjoyment of their property.

Site/NRPA -- Construction: excavation/blasting, noise, dust, odor

Please refer to the previous statement (Operations: noise, odor) and to the attached testimony from Gef Flimlin. Flimlin states that he and his wife are "prepared and willing to endure this disturbance" because this is a reasonable trade-off for the benefits Nordic will bring to the community." There are a number of locations within the boundaries of the City of Belfast that offer sufficient space for the footprint of the Nordic project, but as Nordic has testified

before BEP, the company's proposed site offers the proximity to a source of seawater needed to conduct its operations. (Attachment #2: Pre-filed Testimony of Gef Flimlin dated 12/13/2019 and presented 2/12/2020)

Finding #2: TFAO recommends to the Board that Nordic's proposed operations do not materially alter the mixed uses already present in the neighborhood nor unreasonably infringe upon other owners' use and enjoyment of their property.

Site/NRPA -- Water Demand/Consumption (quantity and quality of surface and groundwater), impacts on aquifer, wells, saltwater intrusion, wetland/wildlife impacts, etc.:

Water Demand: A.E. Hodsdon Engineers in the attached capacity evaluation for the Belfast Water District summarized the proposed impact of the sale of water to Nordic: "This evaluation will show that BWD has sufficient capacity to operate the Belfast Water District, supply water to North Port Village Corporation by contractual obligation, provide Nordic Aquafarms with up to 720,000 GPD of water and maintain a reserve capacity for future needs. " (page 1, 2nd paragraph). The report notes further (page 4, 2nd paragraph): "...projections by the State of Maine Office of Policy and Management indicate that the population of Belfast is expected to decrease from 6,672 in 2014 to 5,907 by 2034". Opponents of the Nordic project have raised many "what if's" about the adequacy of freshwater supply as well as potential supply-related imbalance in Nordic's mix of fresh and saline water. In the February 12, 2020, Intervenor session at BEP's hearings in Belfast, Board member Steven Pelletier questioned TFAO witness Gef Flimlin about Nordic's flexibility in securing and discharging water. Flimlin testified (BEP transcript, pages 428-429) that he had first asked Keith Pooler if he thought the Belfast Water District had enough for Nordic's needs and was told yes, and that the district had

another well which wasn't even tapped yet. Flimlin added that if there ever were a time when fresh water resources might be jeopardized, Nordic could simply reduce fresh water input and increase salt water input without any significant impact on fish growth and survival. This is because the target salinity for the growout tanks is 26 parts per thousand and the bay water may be about 30 to 32 parts per thousand. Salmon can survive in either so a temporary raising of salinity during a low freshwater event could easily be addressed by Nordic by using more saltwater. (Attachment #3: Capacity Evaluation For The Belfast Water District, Belfast, Maine) (Attachment #4: Transcript of Maine DEP/BEP Hearing, Day 2, February 12, 2020, pages 427-431)

Finding #3: TFAO recommends to the Board that Nordic has planned for flexibility in its demands on available water supply from several sources; has considerable flexibility in the ratio of freshwater and seawater used in production; and will not endanger current and future needs of other water users served by the Belfast Water District.

Water Demand/impacts on wells: The Garber-Faegre property is located on the attached map less than a mile southwest of the Nordic project site. In testimony February 12, 2020, at DEP's hearing in Belfast, Dirk Faegre described proactive steps initiated by Nordic to monitor his well, evaluating over a long period of time the impact of water withdrawals from the location of new wells the company plans to install at the project site. Faegre told Board members that he is satisfied with results reported to him by technicians conducting these tests -and more satisfied yet by an unsolicited written commitment from Nordic if unanticipated problems at Faegre's well arise in the future. (Attachment #5: Pre-filed Testimony of Dirk Faegre dated 12/13/2019 and delivered 2/12/2020)

Finding #4: TFAO recommends to the Board that Nordic has worked in a neighborly and diligent fashion to establish good relationships with property owners who might be meaningfully affected by operations at the fish farm--and more importantly, has provided enforceable written commitments to "make good" when appropriate and mutually agreed upon.

Site/NRPA -- Little River Trail: recreation, existing use

It's fair to say that this is a non-issue under the terms of sale by which Nordic will acquire property from the Belfast Water District. Nordic will be legally obligated to provide the customary access, parking and trailhead entry to the Little River corridor. The City of Belfast will own the corridor through which the trail passes with additional legal commitments from Nordic to assist in buffering and maintaining forested land along the boundary. Because of the slope down to the river corridor, Nordic's buildings will not be visible to trail hikers, nor will sounds from Nordic's activities be any more intrusive than the sound level already reaching the trail from traffic on Route 1.

Finding #5: TFAO recommends to the Board that Nordic has agreed to future plans for access and management of the Little River Trail that satisfy the City of Belfast and result in no significant changes to current use by hikers and dog walkers.

Site/NRPA -- Visual impact: scenic, aesthetic

In their choice of descriptive words, opponents of the Nordic project have gone out of their way to paint a picture of fish farm infrastructure that is "too big" to fit into the character and culture of Belfast. In reality there are a half dozen or more industrial and retail sites in Belfast that equal or exceed Nordic's building designs in height and/or footprint. Contrary to

testimony asserting that Nordic will destroy prime wildlife habitat within a mature forest, much of the project site has supported generations of farming and logging operations. Today, patches of natural regrowth have resulted in pleasant but unremarkable stands of common trees and shrubs buffering the four residences, one manufacturing plant, and a farm that connect directly to the Nordic project site. Within the project site, Nordic plans to construct attractive buildings on roughly half of the acreage it is purchasing. Gef Flimlin describes on page 3 of his testimony the care Nordic has taken to satisfy Flimlin's preferences in the selection of trees and shrubs to be planted in the buffer along their shared boundary line. Per Nordic's testimony and illustrations, the same finely-detailed attention to the visual impact of the project site creates a good "fit" with adjoining landowners, plus the overall impression of a green park-like setting surrounding and screening industrial activities. (Attachment #2: Pre-filed Testimony of Gef Flimlin dated 12/13/2019 and presented 2/12/2020)

Finding #6: TFAO recommends to the Board that Nordic has planned for creative vegetative buffers that result in effectively screening built structures and on-the-ground operations from public view.

Site/NRPA -- Existing uses at the site and in the area

Finding #7: For the reasons stated in response to earlier and related topics, TFAO recommends to the Board that Nordic's proposed operations do not materially alter the mixed uses already present in the neighborhood nor unreasonably infringe upon other owners' use and enjoyment of their property.

Summary of Findings: It is the opinion of The Fish Are Okay that Nordic Aquafarms has been forthcoming in the presentation of credible and sufficient information for consideration

by the Board. We support your approval of the permits required for construction and operation of the project.

Submitted May 4, 2020, on behalf of TFAO:

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1. Desmarteau, Lisa Jo
2. Edgerly, Curt
3. Emerson, Justin
4. Thompson, trust
5. Hyde-Tingle, trust
6. Goldenrod/Matthews Bros
7. Merrithew, Rodney
8. Small, Lewis Earl
9. Small, Florine
10. Abbott, Arthur Lloyd
11. Schlueter, Erica
12. Coastal Mountains Land Trust

Green Properties owned by someone who is comfortable with the proposed project and signed an affidavit that is included here.

Properties for whom no response was achieved: summer-only residents, rentals, some simply did not wish to "be involved" or no answer at all.

Properties owned by someone who has publicly expressed significant concern or objection to the project.

**PRE-FILED TESTIMONY OF GEF FLIMLIN
ON BEHALF OF THE FISH ARE OKAY
IN THE MATTER OF NORDIC AQUAFARMS, INC., APPLICATIONS
(TFAO 4)**

WITNESS BACKGROUND AND QUALIFICATIONS:

I am George R. (Gef) Flimlin. My wife and I have recently built a home at 52 Perkins Road in Belfast, the back property line of which adjoins along its full length the proposed Nordic Aquafarms' project site.

I am testifying today on behalf of The Fish Are Okay. This is a citizen-based nonprofit organization that has put considerable effort over the past year into keeping our neighborhood (as well as other concerned citizens in Belfast and surrounding communities) up-to-date on issues and actions related to the Nordic project.

I have recently retired as Professor Emeritus from Rutgers University, the State University of New Jersey. I have been involved with commercial fisheries and aquaculture for about 40 years. I served as a Marine Extension Agent for the Rutgers Cooperative Extension. That position is very much like the County Agricultural Agent who works with farmers, but I worked with commercial fishermen and aquaculturists.

I served on the Technical Advisory Committee for the U.S. Department of Agriculture's Northeast Regional Aquaculture Center on and off for about 18 years, ending as the Chair of that committee. I was on the Executive Committee as well as Vice President of the National Shellfisheries Association. I was on the Board and served as the President of the U.S Aquaculture Society. That position also put me on the Executive Board of the World Aquaculture Society. I was on the International Conference for the Exploration of the Seas (ICES) Aquaculture Work Group, working with scientists and regulators from Canada and the European Union on aquaculture research priorities. I was the founder of the New Jersey Aquaculture Association and co-founder of the East Coast Shellfish Growers' Association. So I know a little bit about aquaculture.

Over the past two years my wife and I have become fulltime residents of Belfast. It was during this time that we learned the home we were building on property we purchased many years ago was to have a new neighbor -- Nordic's proposed salmon farm, firmly abutting the entire length of our new homesite. The irony and humor in this situation was not lost upon friends, family and my professional peers from around the world.

We've laughed along with them, although to be honest, this wasn't the best news I've had since my retirement from Rutgers. And in the meantime, it became apparent that the political dynamics within our new neighborhood in Belfast were destined to complicate this news even further. We learned that two neighbors are the founders respectively of Local Citizens for SMART Growth: Salmon Farm, a nonprofit organization for the purpose of opposing the Nordic project, as well as Upstream Watch, another nonprofit that shares this goal. Nonetheless, it is my wife and I who will likely be the most extensively impacted by Nordic's construction and operations. A 40-foot wooded buffer strip is all that separates our property from the building that will house Nordic's core production activities.

So we are right there. And after 40 years of promoting aquaculture, I really can't be the "Not In My Backyard" guy.

SITE/NRPA APPLICATIONS WITH RESPECT TO IMPACTS TO EXISTING USES FROM CONSTRUCTION AND OPERATIONS, INCLUDING BLASTING AND ODOR:

I contacted Erik Heim at Nordic about 10 days after the announcement was made about the possibility of the fish farm being built at this site. I told him who I was, what I did, and that if he failed it would not only be bad for his company, but for aquaculture in general, so he better get it right. He certainly concurred. Since then I have met with him and his engineer many times. I've asked questions about the facility and how things would work. They have been straightforward with their answers. Aside from these newly developing relationships with Nordic's folks, I count 4 aquaculture engineers as friends of long standing. Two literally "wrote the book" on Recirculating Aquaculture Systems, and I've not hesitated over the past two years to contact them and others for insight into Nordic's design plans.

Professional curiosity alone would have driven me to investigate Nordic's plans for design and operations, but this wasn't all that I had in mind. My wife and I were also in the process of getting to know our new neighbors, some of whom think the Nordic facility will be a great asset to Belfast, and others who appear to be prepared to go to any extreme to prevent the fish farm from being built. In my mind, all opinions are fair until facts and/or actual experience proves them wrong. I felt I had the training and experience to sort out at least some of these issues in advance of the deadline for making decisions. If nothing else, my wife and I needed to be satisfied that we'd examined all the angles.

So what better place to start than asking Nordic about our own property, our needs, our expectations?

Odor: A bad odor at an aquaculture facility is a dead give-away that poor management is resulting in bad husbandry, resulting in compromised equipment, disease, fish mortality and financial ruin. From my perspective this is an instance in which NIMBYism is fully justified. From conversations with Nordic about their practices, I'm satisfied there will be no whiffs of fish or fish waste reaching my backyard.

Noise: It simply goes with the territory that construction-related noise such as **blasting** will be an annoyance during the construction phase. Nor do local ordinances offer much protection given that blasting is permitted seven days a week between the hours of 6 a.m. and 10:00 p.m. The Flimlin household is prepared and willing to endure this disturbance as a necessary trade-off for achieving a locally produced food source grown in an environmentally sound way. I've talked with Nordic's folks about disturbances from construction. It's their intent to be thoughtful about residential neighbors. I don't expect to be thrown from my chair at dinnertime nor blasted from my bed past a reasonable hour.

In fact, both odor and noise were part of my discussion with Erik Heim when we initially met. I told him that I knew the system wasn't going to be loud and that it wasn't going to smell, but that I'd be really ticked off if he ruined my night sky. He responded that he was also a star gazer and that lights at night would not be an issue.

Visual Impact: If I were to be granted my preference in the setback requirements governing required distances between an industrial facility and a residential property, that distance would easily be twice or more the setback required under our municipal Code. Unfortunately, I became involved in the regulatory process too late to influence a change in our existing Code. It is also the case at this specific site that other setback requirements for existing streams create a difficult jigsaw puzzle that allows little flexibility in Nordic's footprint. In the face of this reality, Nordic has gone out of its way to offer help in buffering my property from their operations. I've been given my choice of native plantings for the buffer strip, and we will take them up on their offer when construction begins. Nordic has also agreed to top or remove exceptionally tall trees that would block sunlight if I add solar panels to my roof. All in all, we've had enough on-site, eyes-on discussions about my needs in establishing and managing this buffer strip that I'm more than satisfied with their cooperative attitude. I pass a window factory down the street daily, and it simply blends into our neighborhood. I think this will be the case with Nordic, and I don't expect that in the long run, it will ruin our property value.

I'm satisfied that Nordic intends to be a good neighbor. I'm satisfied overall that Nordic's design concepts and its operational plans are leading toward an environmentally sound operation that achieves sustainability in producing a high quality product. At the core of my satisfaction,


however, is the confidence I have in Maine's Board of Environmental Protection and its staff to thoroughly evaluate Nordic's applications and to monitor ongoing performance toward achieving these goals.

As this process proceeded, I found the thoughts of Local Citizens for SMART Growth: Salmon Farm and of Upstream Watch concerning the ability for the state and federal agencies to get everything right quite naive. I have worked with County, State and Federal Agencies for 40 years and there are some things that I have learned. First, these agencies will accept zero risk. They never want to have lawyers beating down their doors because they overlooked something. This brings them to a second place. Agencies will always fall on the conservative side of any issue rather than on the other. I have worked with applicants over the years who were fuming about all of the information that was required to get a permit to do something. But people who have not gone through these processes have no idea of the intense labor that state agencies must go through to grant a permit. I have constantly heard from those in opposition to this project that Nordic Aquafarms will kill or pollute the bay. What they don't understand is that Nordic cannot get a discharge permit if the effluent exceeds 20% of the assimilative capacity of the receiving waters. That kind of diligence is essential for the maintenance of the bay for decades to come, and it will be the State and Federal government that will demand Nordic's adherence to these parameters. The bottom line is that I find it disturbing and somewhat demeaning to the people in the agencies that those in opposition to this land-based fish farm have so little trust in the people whose mandate it is to keep the bay viable.

Thank you for this opportunity to testify. I affirm that my testimony is true to the best of my knowledge and belief.

By:

Date: December 13, 2019



Gef Flimlin, on behalf of
The Fish Are Okay

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**CAPACITY EVALUATION
FOR THE BELFAST WATER DISTRICT
BELFAST, MAINE**



PREPARED BY:

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Project No. 10-18**



PURPOSE

The purpose of this report is to evaluate the operational capabilities of the Belfast Water District (BWD) if they allow Nordic Aquafarms to purchase their Little River surface water supply and ground water from BWD in amounts up to 262,800,000 gallons per year (GPY). This equates to 720,000 gallons per day (GPD) and 500 gallons per minute (GPM). The agreement also stipulates that 500 GPM will be the maximum rate delivered to the facility, and that Nordic Aquafarms will purchase a minimum of 100,000,000 gallons per year (or make a payment in lieu of the minimum purchase).

This evaluation will show that BWD has sufficient capacity to operate the Belfast Water District, supply water to North Port Village Corporation by contractual obligation, provide Nordic Aquafarms with up to 720,000 GPD of water and maintain a reserve capacity for future needs.

SOURCES OF INFORMATION

The Belfast Water District (BWD) has extensive documentation regarding their sources of supply and historic water usage. The reports we reviewed to produce this evaluation include;

- Pumping Records from 1969 to 2017
- Booster Pump Station Upgrades, Dirigo Engineering, 2005
- Hydrogeologic Analysis of the 8-inch Test Well (TW) at the TW-18 Site off Curtis Road in Swanville, Maine, W. Bradford Caswell, 2005
- Engineering Plan for Water System Improvements, Wright Pierce, 1979
- Hydrogeologic Evaluation of the Goose River Esker Aquifer, Caswell, Eichler and Hill, Inc. 1989
- Production and Test Well Logs, Well Redevelopment Records, various drillers, 1956 to 2013
- Ground water Modeling of the Smart Road Esker Aquifer, Jacques Whitford Company, 1999.
- Hydrogeologic Analysis of the 18-inch Production Well at the Curtis Road Site in Swanville, Maine, Caswell, 2005
- Update to the 1996 Water System Improvements Study for the Belfast Water District, Wright-Pierce, 2004.
- Belfast Water District Water System Capital Improvement Plan Preliminary Engineering Report, Dirigo Engineering, 2015

In addition, we evaluated precipitation records from the Belfast Station operated by the National Oceanic and Atmospheric Administration (NOAA) from 1960 to 2018, and reviewed the licensing criteria for Goose River Hydro, who operates a series of hydroelectric dams on the Goose River.

Figure No. 1 indicates that when Maplewood Poultry closed in 1980, ground water production decreased from 536 MGY (1969-1979 average) to 452 MGY (1980-1987 average). Another sharp drop in ground water use occurred in 1988, when Penobscot Poultry closed. Water usage declined from 452 MGY to 262 MGY (1988-1992 average). Subsequently, water use increased to a peak of approximately 345 MGY in 1999 but due to the closing of Stinson Seafood in 2001 and MBNA in 2005 and efforts by BWD staff to locate and repair leaks, the ground water withdrawal in Belfast has been reduced to an average of just under 200 MGY (2013-2017)

In addition to supplying the City of Belfast, the BWD has a contractual obligation to supply up to 22 MGY (42 GPM) to the Northport Village Corporation (NVC). The NVC is currently using approximately 7.4 MGY (14 GPM). The Belfast Water District has no other contractual obligations to supply water.

Population in Belfast has been on a slight increase from 2004 to 2014 but projections by the State of Maine Office of Policy and Management indicate that the population of Belfast is expected to decrease from 6,672 in 2014 to 5,907 by 2034. With negative population change projected, we expect the water usage in Belfast to be stable or slightly declining over the next 15 years (State of Maine Office of Policy and Management, on-line data, 2018).

WELLS

- 765

The Belfast Water District has been using ground water from the Goose River Esker Aquifer since 1955 when the Smart Road Well was completed (Figure No. 2). The area was further developed with the Jackson Pit Well in 1965. In 1980, faced with huge costs to upgrade the Little River Treatment Plant and a reduction of water use due to poultry processors leaving town, the District mothballed the treatment plant and has relied on the ground water source from these two wells ever since.

JACKSON PIT AND SMART ROAD WELLS

The Jackson Pit Well pumps through an 8-inch diameter cast iron water main cross country to the Smart Road Well Pumping Station. From there, a 14-inch diameter main delivers water from both wells along Smart Road and Swan Lake Avenue to the Back Searsport Road. A 12-inch main continues along Swan Lake Avenue to near Route 1. At that point, the main splits into two river crossings across the Passagassawakeag River. As mentioned previously, one river crossing is 12-inch and one is 14-inch diameter. The river crossings lead to the west side of Belfast and the extensive distribution system where most of the water is consumed.

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STATE OF MAINE

MAINE BOARD OF ENVIRONMENTAL PROTECTION
AND
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF
NORDIC AQUAFARMS, INC.

APPLICATIONS FOR ATLANTIC SALMON LAND-BASED
AQUACULTURE FACILITY

HEARING - DAY 2
WEDNESDAY, FEBRUARY 12, 2020

PRESIDING OFFICER: ROBERT DUCHESNE

Reported by Robin J. Dostie, a Notary Public and
court reporter in and for the State of Maine, on
February 12, 2020, at the University of Maine
Hutchinson Center, 80 Belmont Avenue, Belfast, Maine,
commencing at 8:00 a.m.

1 DIRK FAEGRE: Sure.

2 MS. LESSARD: I have seen other instances
3 where that was the case, so I didn't --

4 DIRK FAEGRE: I will take that under
5 advisement.

6 (Laughter.)

7 GEF FLIMLIN: I'm hoping to get free
8 electricity from them.

9 (Laughter.)

10 MR. DUCHESNE: Yes, Mr. Pelletier.

11 MR. PELLETIER: Thanks very much.

12 Mr. Flimlin, I -- I appreciate all you're saying
13 about this and I'm not sure how long you've been here
14 today or yesterday, but there has been quite a bit of
15 conversations about water issues from the effluent
16 and circulations in the bay. Can you -- from your
17 own perspective, do you have any big concerns with
18 this or in terms of monitoring?

19 GEF FLIMLIN: Well, first of all, let's talk
20 about supply because the first comments I made about
21 this project were to the city council and I had two
22 concerns. One was that I thought the property should
23 be zoned agriculture and not industrial because that
24 way if -- if the system failed it could not go to be
25 a tire factory. It would have to remain in some kind

1 of agriculture process. The second was I was
2 concerned if there would be enough water, but two of
3 my neighbors told me about with the way the laws were
4 written in Maine that if you put a well down you can
5 pretty much go where you want and suck it up. So I
6 had a conversation with Keith Pooler, who is the
7 Executive Director of the Belfast Water District. I
8 said, Keith, do you have enough water? He said I've
9 got two wells that are running now and I've got
10 another one I haven't -- I haven't started to use
11 yet. He said, yeah, I have enough water. So that
12 kind of finished that part.

13 So then you get to the other end. Now,
14 they'll be taking water in from the bay and yesterday
15 I was here and listening again and again about what
16 happens when there is a drought and, you know,
17 salmon -- remember, salmon go from salt water to
18 fresh water so they're adaptable. They're anadromous
19 fish and so if there is a changes in salinity by a
20 couple parts per thousand, which is a tenth of a part
21 percent that's not going to really hurt them. It may
22 throw off -- it may throw off the growth rate a
23 little bit, but I don't think it would be a big deal.
24 Remember, you've got water in the bay that's probably
25 about 28 parts per thousand and if you add fresh

1 water to it to get it down to where I think they're
2 planning on it's like 25 or 26 parts per thousand
3 it's not a whole lot of fresh water to bring that --
4 that down. And so it's -- but it's easy enough for
5 them to go, well, if there is a drought we can always
6 go back up the other way and we can grow these in a
7 little bit saltier water and that's still okay. So
8 it goes through the whole system and there is a lot
9 of water coming through here and some of it's --
10 fresh water is going into the early stages for eggs
11 and smolt and things like that that has to be fresh
12 water. Remember, anadromous fish are up in the
13 rivers, they're in fresh water, that's where they
14 grow, okay. And so once they move from there they're
15 going to go into the larger tanks where they're going
16 to be the grow-out tanks. And I've heard people go,
17 oh, they're going to be crowded in there, they're
18 going to -- they don't like being crowded. Salmon
19 are schooling fish. They like to be next to each
20 other. They -- that's the way they get around. The
21 water will move through the tanks, it will make the
22 meat quality better and they'll keep going.

23 Now, part of the water that's coming in
24 there has to be kept for cooling the system because
25 when the water temperatures get too high they don't

1 like that. They're stressed. Again, animal
2 husbandry. And so the part of the water that's going
3 back out is coming in and going back out as a cooling
4 unit and not going through the tanks. So once the
5 filter systems get going and they're removing stuff
6 down to and now Dave Noyes is telling me .04 microns,
7 that's a polishing. That's a really, really high
8 standard that is much higher than Whole Oceans is
9 going. And in terms of the amount of water that's
10 going out, I think Whole Oceans is at 17 million
11 gallons a day and this is 7.7, so I think it's in the
12 right parameters.

13 I really enjoyed hearing Mr. Black --
14 Captain Black and Captain Canning today. I mean,
15 those are people that I have worked with for 40
16 years. You know, they're incredibly good observers
17 because if they weren't they wouldn't set their pots
18 in the right place the next time. And so their
19 concerns about this thing are well-founded in their
20 minds of what has to go on. I don't think it's going
21 to be a problem because the temperature -- because
22 the salinity of the water going back is not going to
23 be much different from what it comes in at and the
24 fresh water part of it may actually go to the
25 surface, which might not even impact the bottom of

1 the bay. Did I speak too fast for again?

2 MR. PELLETIER: No, you didn't. I -- my
3 wife is from New Jersey.

4 GEF FLIMLIN: Okay.

5 (Laughter.)

6 MR. PELLETIER: Thank you.

7 MR. DUCHESNE: Great. I see no further
8 questions. So you have an opportunity to clarify
9 anything you may have said under cross-examination
10 from Ms. Howe earlier. Do you wish to clarify
11 anything?

12 GEF FLIMLIN: No.

13 MR. DUCHESNE: Then I believe that concludes
14 this panel. And it concludes the day. We need to
15 talk a little bit about what schedule we're going to
16 follow tomorrow. Snow is coming in.

17 MS. BENSINGER: So the plan is to start in
18 the morning at 8 with Dr. Podolsky and then go to the
19 stormwater and erosion and sedimentation control
20 panel by Nordic of McGlone and Johnston. If there is
21 any issue with a late start, which we don't
22 anticipate because the snow isn't supposed to start
23 until 7, so it shouldn't have accumulated very much.
24 Please keep an eye on your emails, but we're hoping
25 to go ahead as planned. Thank you.

**PRE-FILED DIRECT TESTIMONY OF DIRK S. FAEGRE
ON BEHALF OF THE FISH ARE OKAY
IN THE MATTER OF NORDIC AQUAFARMS, INC., APPLICATIONS
TFAO 2 (Faegre statement with attachment)**

WITNESS BACKGROUND AND QUALIFICATIONS:

My name is Dirk Faegre. My wife and I own property at 46 Herrick Road in Belfast, which is less than a mile from Nordic Aquafarms' proposed salmon farm. The location of our home in proximity to the Nordic project site is indicated on the attached map for your convenience.

I am testifying today on behalf of The Fish Are Okay. This is a citizen-based nonprofit organization that has put considerable effort over the past year into keeping our neighborhood (as well as other concerned citizens in Belfast and surrounding communities) up-to-date on issues and actions related to the Nordic project.

As one who will be directly affected by Nordic's actions, I very much appreciate this opportunity to testify before the Maine Board of Environmental Protection. Let me say from the onset that absent the expertise, regulatory authority, scrutiny and ongoing watchdog responsibilities of this Board, I would likely be strongly opposed to the Nordic project. I would not take such a risk based on my own capabilities. I am capable of evaluating the project's positive benefits as measured by an increased local tax base, educational possibilities and job opportunities. I am far from qualified to evaluate the technical details of the environmental impacts that will result from Nordic's science and engineering, and so I am deeply grateful for the work of this Board toward protection of my property.

My testimony will also reflect my growing confidence in Nordic Aquafarms as a "good neighbor". My impression to date is that the owners and staff of Nordic have been proactive, thorough and trustworthy in dealing with property owners who are willing to engage. Assuming the details of the project pass muster with the BEP and with the Belfast Planning Board, I am in support of Nordic's efforts overall -- and particularly grateful for the time they have taken to respond to my personal concerns.

SITE/NRPA APPLICATIONS WITH RESPECT TO WATER USAGE -- GROUNDWATER AND SURFACE WATER WITHDRAWALS INCLUDING POTENTIAL IMPACTS TO EXISTING USES SUCH AS NEARBY WELLS:

As I stated, I live less than a mile from Nordic's project site. My concern was about the relationship of Nordic's needs for water supply commitments: whether these plans could be considered a "safely available" supply of fresh water from my perspective. In other words, would there be danger of my well going dry and/or affect the quality of our water supply? That thought was of great concern to me and needed to be answered accurately.

However, Nordic, without my pressing them at all, called me and asked if they could install electronic monitoring equipment in my drilled well. I said, sure, of course. They wanted to see what effect pumping water would have in the area for those consumers with drilled wells. Once the equipment was installed, Nordic tested over quite a long period of time with technicians coming to my property regularly to download the electronic data captured. Nordic's professional hydrologist met with me to explain the results of their pumping tests.

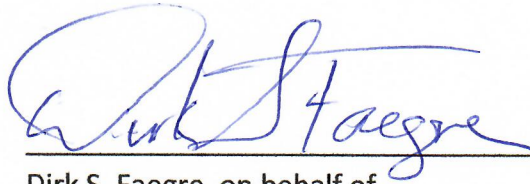
Throughout the testing period Nordic's people were exceptionally professional and helpful. It wasn't good enough for them to simply say, "It looks okay". They went the further step in providing a signed letter to me (without a request from me) that commits Nordic to assuring the water in my well will remain satisfactory in both quality and quantity. And if not, Nordic's commitment to me is that they'll make it good. That includes connecting me to the Belfast Water District if need be.

The equipment Nordic's hydrologist used, and the data and commitments they provided to me, were impressive. I was particularly pleased that my experience with Nordic was one among many property owners in the area with whom the company has been proactively working.

This is the kind of company I want to see operating in our community. Nordic Aquafarms and I are a good many steps down the path toward a lasting, trusting, cooperative relationship. If their applications for licensing are similarly responsive to the Board's scrutiny, I look forward to completion of the salmon farm as a valuable asset in our community.

Thank you for this opportunity to testify. I affirm that my testimony is true to the best of my knowledge and belief.

By:



Dirk S. Faegre, on behalf of
The Fish Are Okay

Date: December 13, 2019

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Nordic Aquafarms

Garber - Faegre
residence

Belfast Water District

Northport Ave

LITTLE RIVER CHURCH

Perkins Rd

Tozier St

Hazeltine Rd

Seaside Dr

Herrick Rd

ods Rd

