

January 10, 2020

Carol DiBello, Submerged Lands Coordinator  
Submerged Lands Program, Bureau of Parks and Lands  
Department of Agriculture, Conservation and Forestry  
22 State House Station  
Augusta, ME 04333

RE: Bureau of Parks and Lands Reconsideration of Nordic  
Aquafarms, Inc. Submerged Land Lease Final Approval.

Dear Coordinator DiBello:

In accord with the Waldo County Superior Court Order dated December 19, 2019, Nordic Aquafarms Inc. ("Nordic") submits the following information in support of the Bureau's reconsideration of specific findings in the Bureau's September 11, 2019 Final Findings ("Findings"). Specifically, as noted by the Court, specific design changes to the subtidal portion of the piping, most notably the anchoring for the piping. In support of the Bureau's reconsideration we enclose:

1. A Construction Narrative providing detail on the location of the piping route and construction methodology by segment plus attachments linking the narrative to the piping plans listed below, the alternatives discussion submitted to Maine DEP, and modeling documentation;
2. CS-101 which shows the piping route (the route has not changed since the Findings);
3. CS-501 which shows both pipe anchor/concrete collar detail (helical and guide post) for each piping segment. Although pipe anchors are shown on the plan attached to the Findings, this additional detail is provided for the last three segments of the piping (from Station 3200 to terminus) where the piping will transition to being supported just above the bottom by concrete collars tethered to the bottom with side anchors every 15';
4. CS-502 which shows detail regarding the intake and outfall construction design; and
5. An extension of the upland property agreement to June 2021. Earlier this week, the Bureau received argument from Attorney Tucker for landowners adjacent to the Northport Town Line, that language in this extension agreement stating the parties understanding that the upland owners make no representation or warranty regarding ownership of the intertidal is the same as conceding that they do not own the land. This is incorrect. Nordic, Attorney Tucker's clients, and the upland owners are, as the Bureau is aware, engaged in numerous lawsuits relating to intertidal ownership brought by various clients of Attorney Tucker. The language cited by Attorney Tucker merely confirms Nordic's understanding that the upland owners are not making any

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representations or warranties such that they would be responsible for covering the litigation costs and other damages to Nordic flowing from the litigation regarding intertidal ownership. Such a representation and warranty has no effect on ownership (which is governed by deed language and is currently pending before the Waldo County Superior Court) it merely determines who pays for resolving the disputed ownership question. A letter from counsel for the upland owners (Camden Law) is attached.

It is possible that there will be design changes as the project proceeds through the permitting processes before Maine DEP/BEP and the ACOE and into final design and construction. However, it is not anticipated that there will be changes to the use or area conveyed such that would require amendment of final findings. As such, Nordic respectfully requests, pursuant to Section 1.7(B)(11) of the Submerged Lands Rules, that the Bureau expedite reconsideration to the extent feasible.

With regard to the Bureau's dredging approval, the dredging amounts remain, as indicated in my letter of March 22, 2019, approximately 35,000 cubic yards with approximately 25,000-30,000 cubic yards being replaced and approximately 5,000-10,000 cubic yards sent to upland disposal.

Please do not hesitate to contact me with questions.

Sincerely,



Joanna B. Tourangeau

cc: Attorney K.J.E. Tucker (electronic service only)  
Attorney Gilbert (electronic service only)