

STATE OF MAINE  
CUMBERLAND, ss

BUSINESS & CONSUMER COURT  
LOCATION: PORTLAND  
DOCKET NO. BCD-APP-2021-009

JEFFREY MABEE, et al.,

Petitioners,

v.

BOARD OF ENVIRONMENTAL  
PROTECTION,

Respondent.

---

UPSTREAM WATCH,

Petitioner,

v.

BOARD OF ENVIRONMENTAL  
PROTECTION,

Respondent.

**ORDER OF REMAND**

On May 10, 2023, the Law Court issued an Order remanding this matter to the Business and Consumer Court with an instruction to remand to the Board of Environmental Protection (“BEP”) so that the BEP may decide whether the Law Court’s decision in *Mabee v. Nordic Aquafarms, Inc.*, 2023 ME 15, 290 A.3d 79, affects the approval of Nordic Aquafarms, Inc.’s permit applications, the subject of this litigation.

With this matter now before it, this Court hereby remands the matter to the BEP. The Court instructs the BEP to determine the impact, if any, of the Law Court’s decision in *Mabee*, 2023 ME 15, 290 A.3d 79, on the BEP’s approval of Nordic Aquafarms, Inc.’s permit

applications. Consistent with the Law Court's May 10 Order, the BEP may determine its scope of proceedings on remand including whether it will take additional evidence. This Court does not retain jurisdiction of this matter.

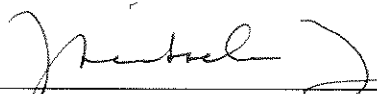
The entry is:

The matter is REMANDED to the Board of Environmental Protection to determine the impact, if any, of *Mabee v. Nordic Aquafarms, Inc.*, 2023 ME 15, 290 A.3d 79 on the challenged approvals. This Order constitutes a final judgment.

The clerk is directed to incorporate this Order on the docket by reference. M.R. Civ P. 79(a).

Date:

5/15/23

  
\_\_\_\_\_  
**M. Michaela Murphy, Justice  
Business & Consumer Court**

Entered on the docket: 05/15/2023