

ROQUE ISLAND GARDNER HOMESTEAD CORPORATION

APPEAL OF

STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SITE LOCATION OF DEVELOPMENT ACT
NATURAL RESOURCES PROTECTION ACT
COASTAL WETLAND IMPACT
FRESHWATER WETLAND IMPACT
ADJACENT ACTIVITY

WATER QUALITY CERTIFICATION FINDINGS OF FACT AND ORDER

FILED NOVEMBER 13, 2021

IN THE MATTER OF
KINGFISH MAINE, INC. Jonesport, Washington County AQUACULTURE FACILITY
L-28995-26-A-N (approval)
L-28995-4C-B-N (approval)
L-28995-TH-C-N (approval)
L-28995-2F-D-N (approval)
L-28995-2G-E-N (approval)

DECLARATION OF STANDING

**DECLARATION OF ROQUE ISLAND GARDNER HOMESTEAD
CORPORATION, ARIANA S. FISCHER**

I, ARIANA S. FISCHER, declare that if called as a witness in this action, I would competently testify of my own personal knowledge as follows:

1. I am the Chairman of the Board of the Roque Island Gardner Homestead Corporation (“RIGHC”). RIGHC owns Roque Island and eight adjoining islands, forming an archipelago lying between Chandler Bay and Englishman’s Bay in the Town of Jonesport, Maine (the “islands”). RIGHC is a family homestead corporation of which I am a member, and the islands in one form or another have been owned by my family tracing back to 1806. Roque Island and its adjoining islands comprise 1787 acres. For

the entirety of RIGHC's stewardship, it has operated a traditional, historic island farm on Roque Island.

2. The west shore of Roque Island lies approximately 1.87 miles from the proposed Kingfish Maine site but is much closer to the plumes showed on the applicant's own models of current-carried effluent, in the notoriously complex waters of the Chandler Bay. Notwithstanding the applicant's studies, tides (12-15 feet) and currents (4-6 knots) may very well carry the Project's effluent continuously to our shoreline and move it around to other bays and inlets in the islands. Prevailing southwesterly winds would amplify both industrial noise and odors emanating from the Kingfish Maine operation to our family housing compound and working saltwater farm directly to the northeast. Once built, the facility will be strikingly visible, day and night, from the entirety of the western shore of Roque and Little Spruce Islands, as well as other high points of land on the islands.
3. RIGHC believes that these activities, lives, and livelihoods could be compromised and even jeopardized by environmental degradation resulting from an industrial fin-fish operation the size of the Project being located in an otherwise pristine location. RIGHC believes that, unless and until the matter is further studied or direct experience is obtained from a similar facility, the enormous quantities of effluent from the Project create substantial risks of toxic algae blooms, possibly resulting in oxygen-starved waters. In addition, there is the risk of diseases and viruses escaping into the marine environment, spoiling the traditional working marine system of neighboring residents and the daily activities of our employees and family members. In addition, the waters of the Gulf of

Maine are already stressed by rising temperatures from climate change, posing the possibility that the effects of the Project will be magnified.

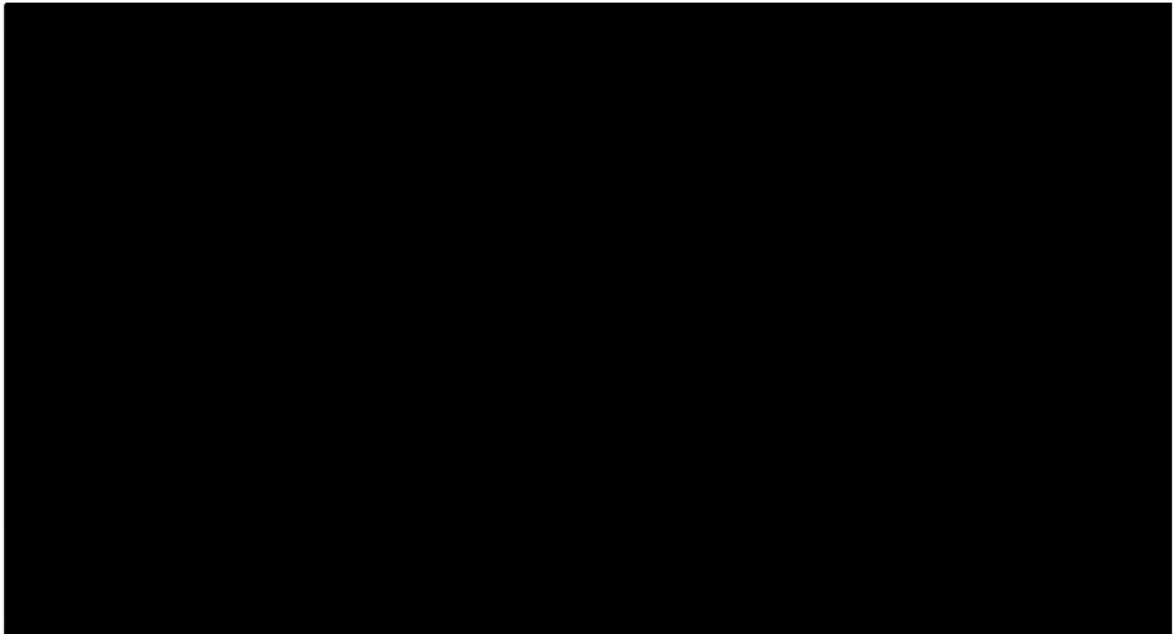
4. RIGHC believes that Department of Environmental Protection did not receive sufficient data to permit the issuance of permits for the Kingfish Project. Data was based on computer modeling alone and did not take into account actual data sampling of the bay nor the actual movement of the currents over a twelve-month cycle.
5. RIGHC was not apprised of the Project in time to object to the Certification and Findings (including the MEPDES), as it has not been considered an abutter. Nevertheless, RIGHC is in fact a direct abutter via the fast moving and complex waters of Chandler Bay. The distance from the Project's effluent depends on how accurate the applicant's current models are. RIGHC is extremely concerned about the known potential effects the Project will have on the pristine and fragile waters and shores, as well as air quality, of our area, as well as effects as yet unknown.
6. RIGHC's fresh water comes from a spring that is at the tide mark on Chandler Bay across from the proposed Kingfish site. Any change to the water quality is a matter of grave concern.
7. For nine generations, members of my family been visiting and contributing to the islands, enjoying, protecting, and preserving the pristine environment in which the archipelago is located. I and the other family members are passionate about the health and wellbeing of the waters and surrounding these and other islands of the Jonesport area. Currently, RIGHC currently has over 103 adult members. Altogether there are over 400 direct descendants of Joseph Peabody, including their spouses, partners, relatives, and guests who use the island virtually year-round. In addition, hundreds of visitors use the beaches,

coves, and inlets around the islands. Many visitors come by boat to Roque Island's famous anchorage at Great Beach from up and down the eastern seaboard. Local families, who work the waters fishing lobster, picnic in Roque Island Harbor and use the beach throughout the summer months.

8. RIGHC employs a number of people to operate its farm and care for its buildings. Currently, between 6 and 10 people live on Roque Island year-round, some of whom come from families who have lived in the Jonesport area for many generations. They provide an important connection to our neighboring communities. They also extensively use Chandler Bay and the other waters around Roque Island for transportation, recreation, and working, including fishing and shellfish collecting.
9. Because of the pristine quality of the island, Roque Island has served as a laboratory for scholars and students of natural history and marine science. RIGHC's efforts to protect wildlife dates back to 1876, when it is cited in an article in Field and Stream magazine recording the bird population of the Island, including one of the first sightings of the Bald Eagle in a scientific publication in Maine. RIGHC has a list of 75 scientists who have visited the island and conducted research. Among them are a number of professors from the University of Maine, for whom the island is a welcome resource. RIGHC and Eastern Maine Conservation Initiative ("EMCI") have partnered on many environmental efforts. EMCI provides grants to individuals and small organizations studying conservation in Downeast Maine.
10. In 1992, the RIGHC board of trustees adopted a Long-Range Conservation Plan and a Mission Statement in support of protecting, preserving and conserving the islands and their surrounding waters. RIGHC has been granted the Conservation Award of

Excellence from the Maine Conservation Rights Institute, honoring the family's exemplary voluntary land management practices. RIGHC has also received a Special Commendation awarded by the U.S Fish and Wildlife Service for help in organizing a Neotropical Migrant Monitoring Program. We monitor and count migratory birds each year for variations in numbers and nesting habits.

11.



12. As extensive as the [REDACTED] is more needs to be completed on the marine natural resources front. Areas of particular concern in the marine environment are the eel grass beds on which so many species are dependent and the salt marshes. The potential for the Kingfish outflows to alter the water quality before it is properly studied and documented would be irresponsible to flora and fauna that flourish in its pristine circumstance and to the community that which derives its livelihood from those waters.
13. RIGHC is in favor of aquaculture that is done in an environmentally responsible way. In the past, we have worked with a Great Eastern Mussel Farm that seeded mussels off of Roque Island in the 1990's. Currently, Nautical Farms has a mussel and a MOFGA

certified organic kelp farm in Shorey Cove off of Roque Island that we fully support.

Information about Nautical Farms can be found

at:



- a. Roque Island has three clam flats where local clammers have dug for clams for generations. The clam flats are located at Clam Cove, Paradise Cove, and Patten's Cove (directly across from the Project site).
- b. With the help of RIGHC, scientific projects are being funded as various as herring spawning, thousand-year-old forests, migrating birds, native American archaeology, rockweed, coastal wildflowers, cleaning up salmon rivers, along with the cultivation of mussels and clams.

14. Roque Island has been a prime fishing and foraging grounds for centuries, as witnessed by the number of native American shell piles on its shores. In the past, lobstermen established camps on various of the islands, and clammers have been harvesting shellfish from the same beds for generations. The shores continue to be actively fished for lobster by fisherman from several communities – Beals, Jonesport, Jonesboro and Roque Bluffs. And most recently, we have been the test site for small-scale farming of both mussels and kelp. Any alteration of the water quality that would adversely affect this harvesting would have grave consequences for those who have relied upon these waters for a livelihood for generations.

15. Roque Island has been a renowned destination for boaters since the late 1800's – known for its natural splendor, pristine and navigationally challenging waters, unfettered wildlife, and unique one-mile-long white sand beach. It is truly one of the Maine coast's

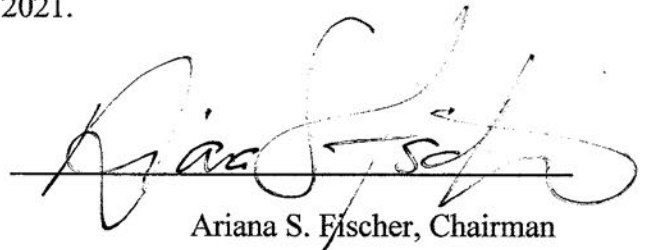
most unspoiled natural treasures. It has been able to remain so due to RIGHC's commitment to maintaining it as such.

16. RIGHC has continuous records of fifteen years or so of harbor seal sightings on Ballast Island. RIGHC is concerned about any impacts that the outflows may have on their natural habitat there while potentially disrupting this ongoing study. There was a dual purpose of having year to year comparisons there and to correlate with sightings from other nearby seal haul-outs to establish usage needs and attractions of each site. In addition, RIGHC is concerned been concerned by the potential effects on nesting seabirds at Ballast Island.
17. Areas of particular concern in the marine environment are the eel grass beds on which so many species are dependent and the salt marshes. The potential for the Kingfish outflows to alter the water quality before it is properly studied and documented would be irresponsible to flora and fauna that flourish in its pristine circumstance and to the community that which derives its livelihood from those waters
18. Impacts of noise, from tractor trailer trucks and the facility itself, light pollution and potential for smell will adversely affect the entire region. Neighboring property risks being seriously devalued; tourism that gravitates to historical and preserved areas of the Maine coast could be materially impacted.
19. RIGHC requests a public hearing to review the potential impacts of the Kingfish project. Unanswered questions from our perspective include nitrogen levels affecting the ecosystem, water acidity, air quality, noise, light, models by which currents have been predicted, effluent composition.

20. RIGHC requests a full Environmental Impact Study to be conducted before the Certification and Findings become final.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of December, 2021.



Ariana S. Fischer, Chairman