

Burke, Ruth A

From: Jeffrey Mabee <jrmabee@gmail.com>
Sent: Monday, February 17, 2020 3:22 PM
To: DEP, Nordic Aqua Farms
Subject: Nordic Aquafarms- Letter from property owners

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To the Maine Board of Environmental Protection;

Nordic Aquafarms has told you in their application that they have “sufficient” Title, Right and Interest (TRI) to put their intake and discharge pipelines across the intertidal area below the property of Janet and Richard Ekrote. This is not true.

The fact is that the survey, which Nordic themselves commissioned, informed them in April of 2018 that the Ektotes could not grant them an easement to use this intertidal land because the Ektotes, or their predecessors, never owned that intertidal land. Nordic has known since their 2018 survey (if not before, based on the August 31, 2012 survey that the Eckrottes had commissioned and that is incorporated by referenced in the Deed from the Estate of Phyllis J. Poor to the Eckrottes (WCRD at Book 3697, Page 5)) that this intertidal area belongs to me, Jeffrey Mabee, and my wife, Judith Grace. Indeed, Nordic knew that fact before we knew it.

We did not know of our ownership of the intertidal land until April of 2019, even though we and friends and relatives had walked and played and anchored boats on it for 28 years. We did not realize that, in the mid 1900’s, a previous owner of our home, Harriet L. Hartley, had sold off lots and kept all the intertidal land with her own property, now our property.

In 2018, Nordic could have approached us about leasing a right of way or they could have simply bought our property, which was for sale at the time and would have given them this route to the sea totally unbeknownst to us. But instead, Nordic proceeded to make applications to permitting agencies which included plans to lay their pipelines as if the Eckrottes actually owned the intertidal land, knowing full-well that they did not.

Nordic’s subsequent choice has been to put us through a lengthy and expensive court battle, which Nordic is using every opportunity to extend. The surveys, recorded deeds, and a 1970 court quiet title judgment all show that we own this intertidal land. Nordic’s only hope of “winning” is to run us out of money or to get their permits and start building while the ownership is not yet legally determined *for a second time* by the Waldo County Superior Court.

Nordic has told permitting agencies that the lawsuit will be brief and will prove their TRI soon, actually saying it will happen before the BEP’s review is finished. But they are, at the same time, throwing in objection after objection which will have to be acted upon before the judge is able to get to the quiet title judgment which will prove ownership of this land *again*. At the same time, they have spread false rumors about the two of us, in various published articles and letters, by describing us as money grubbers, acting “Trumpian” and wanting to get back at them because they did not buy our property.

In actuality, when Nordic first came to Belfast, Judith and I were open to the idea that they might be an environmentally responsible addition to our town. It was only as their described plans began to change with no explanations that we became concerned. Their mile-long discharge pipe became almost half of that. Their planned “underground horizontal drilling” turned into massive trenching, dredging and blasting. Their promise that effluent would go into “deep ocean currents” changed to 35 ft of water. And so on. The shocking realization that they were trying to steal their way across land that belonged to us was the final straw in our increasing concern about the ethics and practices of this corporation. Instead of demanding that they pay us to use that intertidal land, we have chosen to protect it forever by putting all of our intertidal land into a conservation easement, now known as the Harriet L Hartley Conservation Area.

But we are dismayed that state agency after state agency, including the BEP, has refused to acknowledge and respect our recorded conservation easement and the protections on this intertidal land that the State has a statutory duty to enforce.

If the DEP grants permits to NAF, we respectfully request that those permits be conditioned on Nordic first obtaining a judgment from the courts -- providing actual proof of its TRI to the intertidal land where they plan to put their pipelines. The submerged lands lease application stated it would not be granted until Nordic submitted a recorded easement that included the intertidal land on which the Eckrotes’ lot fronts. No less should be done by the BEP if any permits are approved. Please do not let Nordic start building any portion of this project until they can show that proof. To fail to make that a condition will be to disparage our property title and to encourage Nordic Aquafarms in illegally taking our property.

Please do not allow this giant corporation to come to Maine and treat long-time citizens like pawns in their game. Their behavior in this matter shows a shocking lack of ethics and an absence of concern for the rights of local citizens. In sum, their behavior has been as defective as their sediment testing of the proposed project area and their conduct has been as dishonest as their claims that there is no HoltraChem mercury buried in the area proposed for dredging, trenching and blasting.

This is precisely the sort of project that the Board of Environmental Protection was created to protect against. Please fulfill the purpose that NRPA defines for you as a Board and protect Maine’s citizens and Penobscot Bay from the harm proposed by Nordic Aquafarms and their proposed project.

Respectfully submitted,

Jeffrey R. Mabee
Judith B. Grace
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Mabee-Grace statement

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