

DAVID B. LOSEE, LLC
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Camden, Maine 04843
(860) 707-3215

David B. Losee, Esq.
david@loseelaw.com

December 16, 2020

VIA COURIER
Michele Lumbert, Clerk
Kennebec County Superior Court
Capital Judicial Center
1 Court Street, Suite 101
Augusta, ME

Re: Upstream Watch v. Board of Environmental Protection, et al.
Docket No. AP-2020-____

Dear Ms. Lumbert:

Enclosed for filing, please find the following:

1. Civil Summary Sheet
2. Petition For Review Of Final Agency Action Pursuant To 5 M.R.S. § 11001 et. seq. and M.R.C.P. 80C Permits: MEPDES Air Emissions SLODA/NRPA.

Also enclosed is a check in the amount of the required filing fee (\$175.00).

Copies of the enclosed are being served pursuant to 5 M.R.S. § 11003 (via certified mail, return receipt requested) upon the agency, parties to the agency proceeding and the attorney general.

Thank you for your assistance.

Sincerely,

/s/David B. Losee

David B. Losee

Enclosures

Michele Lumbert, Clerk

December 16, 2020

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Copy to (w/encs.):

State of Maine
Board of Environmental Protection
17 State House Station
Augusta, ME 04333

Aaron Frey, Attorney General
State of Maine
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006

Nordic Aquafarms Inc.
c/o Joanna B. Tourangeau, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Maine Lobstering Union
Wayne Canning
David Black
c/o Kim Ervin Tucker, Esq., Bar No. 6969
48 Harbour Pointe Drive
Lincolntonville, ME 04849

Eleanor Daniels
Donna Broderick
95 Sirota Drive
Searsmont, ME 04973

Northport Village Corporation
813 Shore Road
Northport, ME 04849

The Fish Are Okay
c/o Diane Hunt Braybrook
1 Delemos Street
Belfast, ME 04915

Lawrence Reichard
6 Congress Street #406
Belfast, ME 04915

Jeffrey R. Mabee and Judith B. Grace
c/o Kim Ervin Tucker, Esq., Bar No. 6969
48 Harbour Pointe Drive
Lincolntonville, ME 04849
202-841-5439

Gulf of Maine Research Institute
c/o Donald W. Perkins, Jr., President/CEO
350 Commercial Street
Portland, ME 04101

University of New England
c/o Barry A. Costa-Pierce
11 Hills Beach Road
Biddeford, ME 04005

CURTIS THAXTER LLC

077326

VENDOR: TREASURER, STATE OF MAINE

CHECK NO: 77326

OUR REF. NO.	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN
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79180	Filing Fee	12/16/2020	\$175.00	\$175.00	\$0.00
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Check Date: December 16,
2020

THIS CHECK IS PROTECTED BY A VOID PANTOGRAPH, MICROPRINT SIGNATURE LINE AND A HEAT SENSITIVE PADLOCK (CON. ADDITIONAL SECURITY FEATURES ARE LISTED ON BACK).

CURTIS THAXTER LLC
ONE CANAL PLAZA
PORTLAND, MAINE 04101KEY BANK NATIONAL ASSOCIATION
PORTLAND, MAINE

58-60/12

077326

PAY

One hundred seventy-five and NO/100 Dollars

CHECK NO.	CHECK DATE	VENDOR NO.
77326	12/16/2020	002010

CHECK AMOUNT
\$175.00TO THE
ORDER
OF

TREASURER, STATE OF MAINE

MADE WITH MICROPRESSURE

MP

RUB PADLOCK

⑈077326⑈ ⑆011200608⑆ 002⑈79315⑈

This summary sheet and the information it contains do not replace or supplement the filing and service of pleadings or other papers as required by the Maine Rules or by law. This form is required for the Clerk of Court to initiate or update the civil docket. The information on this summary sheet is subject to the requirements of M. R. Civ. P. 11.

I. COUNTY OF FILING OR DISTRICT COURT JURISDICTION ("X" the appropriate box and enter the County or location)

☒ Superior Court County: **Kennebec**

☐ District Court Location (city/town): _____

II. NATURE OF THE FILING

☒ Initial Complaint

☐ Third-Party Complaint

☐ Cross-Claim or Counterclaim

☐ Reinstated or Reopened case: Docket Number: _____

If filing a second or subsequent Money Judgment Disclosure, give the docket number of the first disclosure.)

III. ☐ REAL ESTATE OR TITLE TO REAL ESTATE IS INVOLVED

IV. MOST DEFINITIVE NATURE OF ACTION

("X" in ONE box. If the case fits more than one nature of action, select the one that best describes the cause of action.)

GENERAL CIVIL

Personal Injury Torts

☐ Property Negligence

☐ Auto Negligence

☐ Medical Malpractice

☐ Product Liability

☐ Assault/Battery

☐ Domestic Tort

☐ Other Negligence

☐ Other Personal Injury Tort

Non-Personal Injury Torts

☐ Libel/Defamation

☐ Auto Negligence

☐ Other Negligence

☐ Other Non-Personal Injury Tort

Contract

☐ Contract

Declaratory/Equitable Relief

☐ General Injunctive Relief

☐ Declaratory Judgment

☐ Other Equitable Relief

Constitutional/Civil Rights

☐ Constitutional/Civil Rights

Statutory Actions

☐ Unfair Trade Practice

☐ Freedom of Access

☐ Other Statutory Action

Miscellaneous Civil

☐ Drug Forfeiture

☐ Other Forfeiture/Property Libel

☐ Land Use Enforcement (80K)

☐ Administrative Warrant

☐ HIV Testing

☐ Arbitration Awards

☐ Appointment of Receiver

☐ Shareholders' Derivative Action

☐ Foreign Deposition

☐ Pre-Action Discovery

☐ Common Law Habeas Corpus

☐ Prisoners Transfers

☐ Foreign Judgments

☐ Minor Settlements

☐ Other Civil

REAL ESTATE

Title Actions

☐ Quiet Title

☐ Eminent Domain

☐ Easement

☐ Boundary

Foreclosures

☐ Foreclosure (Diversion eligible)

☐ Foreclosure (ADR exempt)

☐ Foreclosure (Other)

Miscellaneous Real Estate

☐ Equitable Remedy

☐ Mechanics Lien

☐ Partition

☐ Adverse Possession

☐ Nuisance

☐ Abandoned Road

☐ Trespass

☐ Other Real Estate

SPECIAL ACTIONS

☐ Money Judgment Disclosure

APPEALS (ADR EXEMPT)

☐ Governmental Body (80B)

☒ Administrative Agency (80C)

☐ Other Appeal

CHILD PROTECTIVE CUSTODY

☐ Non-DHHS Protective Custody

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

MAINE JUDICIAL BRANCH

V. M.R. Civ. P. 16B ALTERNATIVE DISPUTE RESOLUTION (ADR)

☒ I certify that pursuant to M.R. Civ. P. 16B(b), this case is exempt from a required ADR process because ("X" one box below):

☒ It falls within an exemption listed above (it is an appeal or an action for non-payment of a note in a secured transaction).

☐ The plaintiff or defendant is incarcerated in a local, state, or federal facility.

☐ The parties have participated in a statutory pre-litigation screening panel process with (name of panel chair) _____ that concluded on (date of panel finding - mm/dd/yyyy) _____.

☐ The parties have participated in a formal ADR process with (name of neutral) _____ on (date - mm/dd/yyyy) _____.

☐ The plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption.

☐ The action does not include ADR pursuant to M.R. Civ. P. 16(a)(1).

☐ There is other good cause for an exemption and the plaintiff has filed a motion for exemption.

VI. PARTY AND ATTORNEY CONTACT INFORMATION

If you need additional space, list additional parties on an attachment and note "see attachment" in the appropriate section.

Please note: If a party is a government agency, use the full agency name or the standard abbreviation. If the party is an official within a government agency, identify the agency first and then the official, giving both name and title.

(a) PLAINTIFF(S)

("X" the box below to indicate the party type associated with the filing)

☒ Plaintiff(s)

☐ Third-Party Plaintiff(s)

☐ Counterclaim Plaintiff(s)

☐ Cross-Claim Plaintiff(s)

Is the plaintiff a prisoner in a local, state, or federal facility? ☐ Yes ☒ No

Name (first, middle initial, last): Upstream Watch

Mailing address (include county): 67 Perkins Road
Belfast, ME 04040

Telephone: _____

Email: agrant7108@gmail.com

Name (first, middle initial, last): _____

Mailing address (include county): _____

Telephone: _____

Email: _____

(b) ATTORNEY(S) FOR PLAINTIFF(S)

If there are multiple attorneys, indicate the lead attorney. If all counsel do not represent ALL plaintiffs, specify which plaintiff(s) the listed attorney(s) represents.

Name and bar number: David B. Losee, Bar No. 6500

Firm name: David B. Losee, LLC

Mailing Address: 7 Highland Avenue

Camden, ME 04843

Telephone: 860-707-3215

Email: david@loseelaw.com

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MAINE JUDICIAL BRANCH

Name and bar number: _____
 Firm name: _____
 Mailing Address: _____
 Telephone: _____
 Email: _____

(c) DEFENDANT(S)

("X" the box below to indicate the party type associated with the filing)

- ☒ Defendant(s)
☐ Third-Party Defendant(s)
☐ Counterclaim Defendant(s)
☐ Cross-Claim Defendant(s)

Is the defendant a prisoner in a local, state, or federal facility? ☐ Yes ☒ No

Name (first, middle initial, last): State of Maine Board of Environmental Protection
 Mailing address (include county): 17 State House Station
Augusta, ME 04333
 Telephone: _____
 Email: _____

Name (first, middle initial, last): _____
 Mailing address (include county): _____
 Telephone: _____
 Email: _____

(d) ATTORNEY(S) FOR DEFENDANT(S)

If there are multiple attorneys, indicate the lead attorney. If all counsel do not represent ALL defendants, specify which defendant(s) the listed attorney(s) represents.

Name and bar number: Aaron Frey, Attorney General
 Firm name: Office of the Attorney General, State of Maine
 Mailing Address: 6 State House Station
Augusta, ME 04333-0006
 Telephone: 207-626-8800
 Email: _____

Name and bar number: _____
 Firm name: _____
 Mailing Address: _____
 Telephone: _____
 Email: _____

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MAINE JUDICIAL BRANCH

(e) PARTIES IN INTERESTName (first, middle initial, last): See attached Addendum

Mailing address (include county): _____

Telephone: _____

Email: _____

Name (first, middle initial, last): _____

Mailing address (include county): _____

Telephone: _____

Email: _____

(f) ATTORNEY(S)

If there are multiple attorneys, indicate the lead attorney. *If all counsel do not represent ALL parties in interest, specify which parties in interest the listed attorney(s) represents.*

Name and bar number: See attached Addendum

Firm name: _____

Mailing Address: _____

Telephone: _____

Email: _____

Name and bar number: _____

Firm name: _____

Mailing Address: _____

Telephone: _____

Email: _____

VII. RELATED CASE(S) IF ANYCase name: None

Docket Number: _____

Assigned Judge/Justice: _____

Date (mm/dd/yyyy): December 16, 2020▶ /s/David B. Losee

Signature of Plaintiff or Lead Attorney of Record

David B. Losee, Bar No. 6500

Printed Name of Plaintiff or Attorney

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