

STATE OF MAINE
WALDO, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. BELSC-RE-2021-007

JEFFREY R. MABEE, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 CITY OF BELFAST, MAINE,)
)
 Defendant.)
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**AFFIDAVIT OF
KIMBERLY J. ERVIN TUCKER, ESQ.**

(Title to Real Estate Involved)

I, Kimberly J. Ervin Tucker, being first duly sworn, make the following affidavit based upon my personal knowledge and, where based upon information and belief, I believe the information to be true, deposes and states:

1. I am a resident of Lincolnville, Maine over the age of 18 and competent to testify on the matters stated in this affidavit.
2. I am a member of the Maine Bar with the Bar No. 6969.
3. I am the Plaintiffs and Petitioners' counsel in the following cases pending the Waldo County Superior Court:
 - a. *Jeffrey R. Mabee , et al. v. Nordic Aquafarms, Inc.*, No. RE-2019-18;
 - b. *Jeffrey R. Mabee , et al. v. DACF, Bureau of Parks and Lands, et al.*, No. AP-2020-04;
 - c. *Jeffrey R. Mabee, et al. v. Board of Environmental Protection, et al.*, No. AP-2020-05.
4. In my capacity as counsel of record in the above-referenced cases I have received copies of documents filed in these cases, and in the underlying administrative proceedings

initiated by Nordic Aquafarms, Inc. (“Nordic” or “NAF”) to obtain local, State and federal permits, licenses and leases required for Nordic to construct and operate a land-based aquaculture facility to produce salmon in Belfast, Maine with essential accessory industrial infrastructure located in both Belfast and Northport, Maine, as this project is currently proposed. I have also sent and received communications and reviewed documents provided or information referenced in such communications relating to the condemnation proceedings initiated by the City of Belfast to take my clients’ property and property interests, including communications with the City’s attorney Bill Kelly and the Office of the Maine Attorney General.

5. Attached to this Affidavit and the Amended Complaint are true and correct copies of documents, communications, exhibits or orders received or filed by me, and/or received or filed by Nordic Aquafarms, Inc., and/or other parties, in the Nordic-related litigation referenced above in paragraph 3, the prior civil action captioned *Daniels and Broderick v. City of Belfast and NAF*, Docket No. CV-2018-45, and/or the related, underlying administrative proceedings in the Department of Environmental Protection, the Board of Environmental Protection, DACF Bureau of Parks and Lands, the City of Belfast and the Belfast Planning Board, and/or in condemnation proceedings initiated by the City of Belfast including communications with the City’s attorney Bill Kelly and the Office of the Maine Attorney General, which are attached as Exhibits to this Affidavit and incorporated herein and incorporated by reference in the Amended Complaint, including the following:

Amended Complaint Exhibits

Exhibit A: Donald Richards, P.L.S., L.F., recorded in the WCRD at Book 24, Page 34;

Exhibit B: Belfast Tax Map 29’

Exhibit C: 2018 Options Agreement (Ex C-1), Evaluation Agreement (Ex C-2), and Water Supply Purchase Agreement (Ex C-3);

Exhibit D: NAF's depiction of its proposed industrial plant;

Exhibit E: Option to Purchase (8-6-2018 NAF-Eckrotes);

Exhibit F: Fourth Amendment to Options Agreement of NAF-BWD-City;

Exhibit G: deed Eckrotes to the City is recorded at Book 4679, Page 157;

Exhibit H: Conservation Easement WCRD at Book 4367, Page 273;

Exhibit I: Assignment WCRD at Book 4435, Page 344;

Exhibit J: 8-16-2019 Kelly email;

Exhibit K: 7-9-21 NAF and City P&S;

Exhibit L: July 9, 2021 Statement from the City Council;

Exhibit M: Nordic-to-City Release Deed (7-10-21) (Book 4679, Page 160);

Exhibit N: 7-13-21 Kelley ltr to AAG Lauren Parker;

Exhibit O: 8-9-21 AG Parker response to Kelly letter;

Exhibit P: Plaintiffs' July 29, 2021 response letter and counter-offer;

Exhibit Q: July 30, 2021 Kelly email to Tucker;

Exhibit R: City's Notice of Intent to Condemn Real Property Interests;

Exhibit S: August 12, 2021 resolution of the City's Council authorizing the eminent domain taking, titled: "Order of Condemnation;

Exhibit T: U.S. Army Corps of Engineers ("USACOE") Report (Upper and Lower Little River Dams have been classified as "significant hazards" since at least as early of November 1979);

Exhibit U: Dorsky 7/24/2020 Survey Plan w Belfast City Boundary Line as determined by Don Richards and James Dorsky in red lines;

Exhibit V: Affidavit of Jeffrey Mabee with Exhibits;

Exhibit W: Affidavit of Andrew Stevenson is attached hereto, with all incorporated exhibits including the relevant emails;

Exhibit X: 7/12/21 Belfast offer to Mabee-Grace for Intertidal land adjacent to Lot 36 \$4,000;

Exhibit Y: 7/12/21 Belfast offer to Mabee-Grace to extinguish rights in 1946 "residential purposes only" negative easement in Hartley to Poor deed \$500; and

Exhibit Z: 7/12/21 Belfast offer to Friends for intertidal on which lot 36 fronts \$36,000.

Further Affiant sayeth naught.

Dated: September 8th, 2021

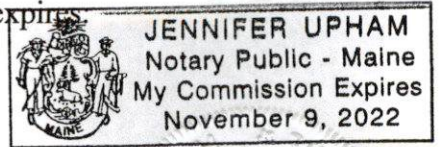
Kimberly J. Ervin Tucker, Bar No. 6969

STATE OF MAINE
COUNTY OF Knox, ss.

Personally appeared before me on this 8th day of September 2021, the above-named Kimberly J. Ervin Tucker, who after being duly sworn, made oath that the foregoing statements made by her are true, based upon her personal knowledge, information and belief, and so far as upon information and belief, she believes the information to be true.

Notary Public/Attorney at Law

My commission expires



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