EXHIBIT 13

From: Lawrence Reichard Ireichard@gmail.com @

Subject: Fwd: FOAA Response

Date: February 26, 2021 at 10:00 AM

To: Kim Tucker k.ervintucker@gmail.com



Sent from my iPhone

Begin forwarded message:

From: "Feeley, Timothy J" <Timothy.J.Feeley@maine.gov>

Date: February 26, 2021 at 8:58:52 AM EST **To:** Lawrence Reichard reichard@gmail.com

Subject: RE: FOAA Response

Mr. Reichard,

Attached is the email you asked about with all of the attachments.

Thank you for bringing this to my attention.

Tim Feeley
Deputy Legal Counsel
Office of Governor Janet T. Mills
1 SHS, Augusta, Maine 04333
Tel: 207-287-3531

From: Lawrence Reichard lreichard@gmail.com Sent: Thursday, February 25, 2021 10:37 AM

To: Feeley, Timothy J <Timothy.J.Feeley@maine.gov>

Subject: Re: FOAA Response

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you. Lawrence

Sent from my iPhone

On Feb 25, 2021, at 10:27 AM, Feeley, Timothy J < <u>Timothy J.Feeley@maine.gov</u>> wrote:

Hello,
I will look into this and get back to you.
Thanks,
Tim

Tim Feeley
Deputy Legal Counsel
Office of Governor Janet T Mills

1 SHS, Augusta, Maine 04333

Tel: 207-287-3531

From: Lawrence Reichard < lreichard@gmail.com> Sent: Thursday, February 25, 2021 7:53 AM

To: Feeley, Timothy J < Timothy. J. Feeley@maine.gov>

Subject: Re: FOAA Response

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings. On page 7 of this that you have attached there is an email that makes reference to an attachment, but the attachment doesn't seem to be included in the material you sent me. Can you please forward this attachment to me.

Please contact me if you have any guestions.

Thank you,

Lawrence Reichard 415-565-9867

On Fri, Feb 5, 2021 at 4:44 PM Feeley, Timothy J < Timothy. J. Feeley@maine.gov > wrote:

Mr. Reichard,

The attached file contains the responsive files to your FOAA request. Some information was redacted from response records per 1 MRS sec. 402(3)

I am waiving the fees associated.

Thank you,

Tim

Tim Feeley **Deputy Legal Counsel** Office of Governor Janet T. Mills 1 SHS, Augusta, Maine 04333

Tel: 207-287-3531



PMills Nordic AF w Attach.pdf

From:

Peter Mills

To:

Janet Mills; Kennedy, Jeremy

Cc: Subject: Date: Ogden, Scott; Reid, Jerry; Johnson, Heather [EXTERNAL SENDER] Aquafarm in Belfast Friday, January 25, 2019 7:42:52 AM

Attachments: 19-0122 DEP Ltr Requesting TRI.pdf 19-0124 DelGreco"s email.docx

19-0121 SPM email to Erik Heim.docx

19-0121 SPM on Environmental Permitting.docx

18-1218 Rector Email.docx

It now seems likely that the investors in Nordic Aquafarms will pull their Belfast project after investing millions in development costs. The public fallout will be disastrous for this burgeoning industry that has been endorsed by environmental groups like CLF and the Gulf of Maine Research Institute.

I have not heard about any responsible opposition. Kim Tucker seems to have paralyzed the DEP—singlehandedly. Or at the very least cut them off from communications and courtesies usually extended to an applicant.

What may be the final precipitating event is the tone of Wednesday's letter from DEP (attached).

Angus King's office and Peter DelGreco had reached out to me last month and Erik Heim enquired more recently about the Turnpike's York Toll experience. I replied with the attached memo to explain that the process is sometimes slow but fundamentally fair and usually predictable.

After Wednesday's DEP letter, reassurances may not suffice.

Peter Mills

STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION





January 22, 2019

Joanna B. Tourangeau Drummond Woodsum 84 Marginal Way, Suite 600 Portland, ME 04101-2480

RE: Nordic Aquafarms, Inc's Application for MEPDES Permit #ME0002771

Ms. Tourangeau:

In light of recently received evidence that the Department has determined to be credible, the Department is requesting further information regarding 1) the location of the structures associated with the Nordic Aquafarms MEDPES application, including all portions of the outfall pipe from the proposed facility, and 2) the applicant's title, right or interest (TRI) in the area proposed to be developed or used. The Department requests all such information be submitted no later than February 6, 2019.

First, the Department has reviewed submissions from commenters and material submitted to the Bureau of Parks and Lands (BPL) and has determined that there is evidence that at least some portions of the proposed project, including parts of the outfall pipe and the ultimate outfall location, are located within the municipal boundaries of Northport, and are not entirely within Belfast as asserted in the application. Please provide additional information supporting your assertion that all aspects of the proposed development, including the entirety of the outfall pipe from the facility, are located entirely within Belfast, specifically additional information regarding the subtidal and intertidal segments of the project piping. As you are aware, the location of a project is relevant to notice requirements and the Department's recommendation with respect to the Board of Environmental Protection's assumption of jurisdiction. The Department plans to reconsider its December 21, 2018 jurisdictional recommendation based on the evidence it has received since that initial determination, as well as any further evidence submitted by the applicant in response to this Department request.

Second, the Department has also received numerous submissions challenging the applicant's TRI for aspects of the project based on the contents of the application. When credible evidence is submitted disputing TRI, the Department may, as it is now doing here, request additional evidence from the applicant to confirm that the applicant has met its burden regarding that TRI threshold demonstration. The Department therefore seeks the following information to clarify whether the applicant has sufficient TRI with respect to all areas proposed for development or use for the project:

- 1) A clarification from the parties to the Eckrote purchase and sale agreement that the easement contained in that agreement expressly includes intertidal rights and applies to the adjoining intertidal zone. This Department request, which echoes a similar request recently made by BPL, may be satisfied through an amendment, modification, or clarification to the agreement (or its attached Exhibit A) by the parties to that agreement.
- 2) The survey providing the basis for the Eckrotes' intertidal property boundaries.
- 3) A detailed demarcation of the proposed project pipe location relative to the Eckrote's property boundaries and other intertidal boundaries of adjacent property owners.
- 4) Evidence that an application has been submitted to the Belfast Public Works Director, which may either be actively pending or being held in abeyance, for the proposed area required for the burying of project piping crossing under Route 1; or a demonstration that the fee title to that underlying land is owned by the applicant or encompassed by the Eckrote easement and option agreements.

Please provide all information requested above as soon as possible, but not later than February 6, 2019. This additional information will assist the Department with its forthcoming reconsideration of its December 21, 2018 Board jurisdictional recommendation, and its assessment and findings regarding the sufficiency of the applicant's TRI for various project areas, including the outfall pipe and ultimate outfall location. Please note that the Department has discretion to return the application should it determine, at any time, that the applicant lacks sufficient TRI for any project areas. Thank you for your attention to this matter.

Sincerely,

Brian Kavanah

Q IX

Acting Co-Director, Bureau of Water Quality Director, Division of Water Quality Management

Cc: Carol DiBello - SLP, DACF

From: Peter DelGreco pjdelgreco <pjdelgreco@maineco.org>

Date: Thursday, January 24, 2019 at 11:00 PM

To: Janet Mills < "jeremy.kennedy@maine.gov" <jeremy.kennedy@maine.gov>

Subject: Permitting Process

Governor Mills and Jeremy,

As you may have heard, Kim Tucker's tactics appear to be having some effect on delaying DEP's efforts. Her efforts are clearly focused on the administrative side and not on the technical side. I don't think any of her administrative arguments will hold water as her strategy seems only to delay the process and scare people with threats of lawsuits.

Tomorrow (Friday), Jerry Reid will be meeting to discuss paths forward. DEP recently sent a letter that has made the parties incredibly anxious. Truthfully, we are not sure if the concern is coming from the AG's Office or DEP. What does seem clear is that the standard for the permit seems different for this client than it has for other clients. I know the people at the State want the process to be fair. That said, some are feeling nervous that the process is not. My belief is that the department is likely just being extremely cautious due to the tactics of people against the project. In their cautious action, however, they may be unintentionally sending a signal to the applicant and business community that process is inconsistent and adversarial.

We have discussed the importance of this project to Maine's economic growth and leading role in an exciting industry. I have spent this entire week in Washington and Hancock Counties touring with a company from the Netherlands who want to invest 50 - 100 million in a similar project (different species) that could employ 50 - 75 people in an economically challenged part of Maine. We expect that the company could make a decision within 2 months. Please let me know your thoughts on how we can demonstrate that the State is excited for these types of investments and that we will have a permitting process based on science and technical expertise. I am nervous when someone like Kim Tucker can use delay tactics in hopes of trying to frighten a good project away.

As always, I am excited to help and hope that I am not overstepping my bounds.

Best, Peter

Peter DelGreco President & CEO Maine & Company w: 207-871-0234 c: 207-653-2798

e: pjd@maineco.org web: www.maineco.org January 21, 2019 From: Erik Heim

Re: Maine Turnpike's permit experience

To: Peter Mills

CC: Marianne Naess <mn@nordicaquafarms.com>, Ed Cotter <ec@nordicaquafarms.com>, "Joanna B. Tourangeau" <jtourangeau@dwmlaw.com>, Peter DelGreco <pjdelgreco@maineco.org>, Heather Johnson <heather.johnson@maine.gov>, Chris Rector <Chris_rector@king.senate.gov>

Hello Peter,

Thank you for taking the time to share your perspectives. It is valuable to put what we are doing in Maine in context of other local projects.

Hopefully, the DEP and the other public bodies will work with us to enable final submissions and processing of applications in a timely, fair and professional manner.

We are not expecting a straightforward process, but tangible results at key milestones will keep this project going until we hopefully can break ground sometime this year.

We will stay in touch. Best, Erik

June 21, 2019 Email

From: Peter Mills <pmills@mainelegal.net>

Maine Turnpike's permit experience

To: Erik Heim <erik.heim@nordicaquafarms.com>

CC: mn@nordicaquafarms.com, ec@nordicaquafarms.com, "Joanna B. Tourangeau"

<jtourangeau@dwmlaw.com>, Peter DelGreco <pjdelgreco@maineco.org>, Heather Johnson

<heather.johnson@maine.gov>, Chris Rector < Chris rector@king.senate.gov>

Erik,

Attached is a memo responding to your request to know more about the recent experience of the Maine Turnpike Authority in obtaining a contested environmental permit.

Our experience differs from yours in several respects. For example, we had little public support and no prospect for providing new economic development. Public comments were mostly local and mostly negative. Your project, by contrast, has attracted overwhelming public support and it offers economic expansion opportunities that are immensely attractive.

Our project was more open to challenge based on an alternatives analysis that we, ourselves, agreed had sufficient merit that it needed to be studied carefully to justify our strategic plan. I doubt that an issue of such consequence looms in the way of your applications.

In the end, we were granted a permit because, on balance, it was the right thing to do. And it was readily sustained on appeal.

I think the context for your application is more favorable and more supportive for reasons further explained in the attached memo.

From: Peter Mills (207 cell)

To: Erik Heim

The Maine Turnpike Authority obtains many permits from the Maine Department of Environmental Protection (the "DEP"). Here are some observations of that process.

Advance Review and Preparation

It is common practice for DEP staff to engage directly with an applicant while an application is being prepared for a major project. From the conceptual stage until the application is filed, joint meetings are held, site walks are taken, questions are answered, drafts are revised, and intervenors are listened to—all to make the application complete and ready for formal review by the time it is filed.

This is to avoid later surprises, omitted issues, or the need for amendment. Investing time at the front end pays off in greater certainty, efficient review, and more competent administration of the project.

DEP's Role on Appeal

Once permits are granted it is difficult for an opponent to challenge the result. To appeal successfully, the opponent must prove that the DEP made an error of such significance that it changes the outcome. If such a claim is made, the Maine Attorney General defends the DEP at state expense. Thus, the state itself becomes the chief defender of the permit in alliance with the applicant.

The "any competent evidence" standard

On appeal, the court must legally defer to DEP's professional judgment on any factual controversy unless the record is devoid of evidence to support the decision. The appeals court may not re-balance competing claims, entertain new arguments, or substitute its own judgment for that of the DEP. When there is any competent evidence to support a DEP finding, the finding is sustained.

The Maine Turnpike's York Toll Project

The Maine Turnpike Authority obtains about ten DEP permits each year. Projects range in size from several million dollars to several tens of millions. The only permit that has been challenged in recent years is the York Toll project which was successfully permitted in 2018 after vigorous opposition by the Town of York.

The York Toll is a multi-phased, 47 million dollar project of substantial impact and complexity. Its purpose is to replace Maine's busiest and oldest toll plaza with a modern facility in a better location.

The Turnpike annually collects at York over 60 million dollars, three-quarters of it from vehicles with electronic transponders. The remaining 25% is collected as cash at manned toll booths. Because the percentage of cash payers is diminishing, some toll agencies in other states require cash-paying motorists to pay by mail based on photographs taken of their license plates. This eliminates toll booths but creates a new and expensive back office operation with significant collection losses.

The single argument made by opponents was that the Turnpike should avoid all environmental impacts by giving up its toll booths in favor of collection by mail.

The Turnpike itself agreed that this was a significant issue for reasons that went well beyond environmental concerns. As a business proposition, we studied it carefully to determine whether this might be a better system for the entire road. After intense analysis, we concluded that back office collections would not work well in Maine's toll environment and that it was worth the capital cost and the environmental impacts to build a new plaza with 11 toll booth lanes to preserve effective cash collection.

After a public hearing in which experts were presented and cross-examined, the Maine DEP agreed with the Turnpike and issued the permit. The intervenors appealed but the judge issued a crisp decision supporting the DEP and sustaining the permit. The intervenors proceeded no further.

Parallels and Contrasts to Belfast

From what I know of the issues raised by the Aquafarm application, they are not what we confronted for the York Toll--primarily because the opposition in York was based on an argument that the Turnpike itself conceded was consequential. Indeed, we devoted a great deal of attention to it to make sure that we made the best decision. It was no surprise to us that others might disagree or that the DEP would order an evidentiary hearing. But once the hearing was concluded, we were confident that the DEP would rule in our favor and that any appeal would not upset the project.

Much like the situation in Belfast, our project was vigorously opposed by a small group of vocal citizens from a single community. There are, however, two major differences:

- The York Toll proposal raised a genuine issue requiring an alternatives analysis and
- York Toll provided few economic development benefits.

There was no strong reason for York residents to support the Toll. The local newspaper editorialized against it. All five York selectmen opposed it and the town raised money to oppose it legally.

In Belfast, by contrast, the City Council unanimously endorses the aquafarm. Indeed, most citizens support it and statewide newspapers have written editorials in favor of it. Most thoughtful people recognize that the aquafarm presents a sustainable economic opportunity with environmental impacts that are entirely reasonable when matched to the benefits.

Additional Observations

None of the state's large environmental organizations, the Natural Resources Council of Maine, the Sierra Club, the Maine Audubon Society, nor any other group of statewide prominence has opposed the project. It is remarkable that one such group, the Conservation Law Foundation (CLF), affirmatively supports it. CLF's most common role is to intervene against projects when the environmental impacts are unjustified. It is a tribute to the integrity of CLF"s executive director, Sean Mahoney, that CLF is willing to step up in support when they see a project so worthy of public endorsement.

Local opponents of the aquafarm have no credibility. One of them argued that people no longer need salmon because we can get protein from tofu and kelp. He was appropriately discharged by his publisher.

Well-informed lobstermen and Maine's Department of Marine Resources recognize that salmon production may come just in time to save the lobster industry from the loss of herring stocks for bait.

While Maine has only 1.3 million people (four tenths of 1% of the U.S. total), Maine has the nation's strongest reputation for clean and plentiful water. Nestle's bottles water here that would have little market value without Maine on the label. 35 million people vacation in Maine each year primarily to enjoy our lakes, rivers and seacoast. Two U.S. Senators from Maine, Ed Muskie and George Mitchell, wrote the nation's environmental and clean water laws that are applied in all 50 states.

I have lived in Maine for most of my 75 years and have seldom seen a proposal like that of Nordic Aquafarm that is so worthy of support. I served on the advisory team that produced a statewide economic plan known as "FocusMaine." A self-contained fish farm that cleanly produces sustainable protein for North American food markets fits exactly into the team's consensus plan. Kim Hamilton, FocusMaine's executive director, wrote an editorial last August to explain why.

While it is always possible for a few noisy people to disrupt temporarily the progress of a permit application, they cannot long prevail against a project of such merit. It has been my experience that those

who administer the law are thoughtful, balanced and intelligent people who understand that the law should be fairly applied in as short a time as due process permits.

December 18, 2018

Forgive me for reaching out this way but I want to share with you something important that I think will both interest you and be very important to be called to the Governor-Elect's attention. I hope that you might be an avenue to accomplish that goal.

I met today with Erik Heim, CEO of Nordic Aquafarms, the land-based salmon farm being proposed for Belfast. I have followed this project from its first announcement and have attended nearly every meeting in the city related to the project. I have been to enough meetings to know the content of the comments by each of the opponents and to also be able to read the audience and know that the opponents are a minority. That said, to those who listen to the company, Nordic Aquafarms and their team have demonstrated a commitment to community, to quality of product, to the environment and to Maine. They have repeatedly de-bunked mis-information that has been spread widely by opponents through a variety of means. Nordic Aquafarms have opened a storefront downtown Belfast that is staffed for the community to visit, to raise their questions, to learn the facts and understand the scope and plans for the project. I have never seen a company be as pro-active in trying to engage with the community, address objections and provide the facts.

This is an enormous opportunity not just for Belfast or Waldo County but for our entire state. Peter DelGreco of Maine and Company has said it may be the most transformational economic development opportunity that he has seen since he has assumed his role as ME&Co leader. But the eyes of the world aquaculture community are on us in how this company is able to navigate the regulatory structure and develop their business. While welcoming the debate, it is important that it be fact-based and honest, not led by those who use mis-information and junk-science to frighten the ill-informed. Nordic Aquafarms has chosen Maine because of the quality Maine's brand, because the best seafood comes from our clean waters, because we are close to large markets and because we have a confluence of all the elements that will lead to success. Their project, when fully built out, will supply something approaching 8% of the Salmon consumed in the US (which currently imports around 90% of the seafood we consume). Their controlled state-of-the-art land based facility will provide traceable, high quality, anti-biotic free, flavorful fish. Their food security will be unparalleled. They will provide by-products that offer additional growth opportunities for Maine, including the remains from the filleted fish that can be used as lobster bait (a critically limited product that is in great demand by the lobstering industry). The "downstream" economic opportunities are also great, including synergies with other value added products such as agricultural fertilizers, bio-energy producers and other uses. All of this presents a chance for Maine to be a leader in a field that is just emerging but which is a completely natural fit in our natural resource based economy. And it provides diversity to our coastal economic base. From a protein per pound perspective, this product will be unsurpassed, with virtually a pound of protein produced for every pound of feed consumed. And their pledge is that their fish will "never see an airplane", which is how much of our salmon is delivered today and represents a huge driver of the carbon footprint of our current salmon supply chain.

I know that Janet has met with the management team while on the campaign trail. I believe that current developments are moving quickly and that she should meet with Erik Heim and the Nordic Aquafarms team as soon as possible to understand how her administration can be helpful in assuring their success for the State of Maine. This is time sensitive, hence my reaching out to you for help.

Thanks for whatever assistance you can provide in facilitating a meeting Peter. A very Merry Christmas to you and Nancy. I look forward to catching up with you sometime so we can discuss all that is happening around Maine!

Cheers and thanks,

Chris Rector, Regional Representative Senator Angus S. King, Jr. Chris_Rector@king.senate.gov (207) 622-8292 (O) (207) 653-8368 (C)

4 Gabriel Dr. Augusta, ME 04330

From: Reid, Jerry

To: Peter Mills; Janet Mills; Kennedy, Jeremy

Cc: Ogden, Scott; Johnson, Heather

Subject: RE: [EXTERNAL SENDER] Aquafarm in Belfast Date: Friday, January 25, 2019 9:51:56 AM

I am meeting with Erik Heim this afternoon at 2:00 to try to reassure him that the DEP process will be fair and can work. There is a non-trivial title, right and interest problem with their application that the opponents have seized on. It's not clear to me why Nordic hasn't addressed it, because it would seem to be easily resolvable. I'll be talking to him about that too. It's not in Nordic's interest to move forward with a flawed application that will allow for a successful appeal of the permits they are seeking. I'm happy to provide people with more details at any time.

----Original Message----

From: Peter Mills <pmills@mainelegal.net>Sent: Friday, January 25, 2019 7:41 AM

To: Janet Mills <janet.t.mills@gmail.com>; Kennedy, Jeremy <Jeremy.Kennedy@maine.gov>

Cc: Ogden, Scott <Scott.Ogden@maine.gov>; Reid, Jerry <Jerry.Reid@maine.gov>; Johnson, Heather

<Heather.Johnson@maine.gov>

Subject: [EXTERNAL SENDER] Aquafarm in Belfast

It now seems likely that the investors in Nordic Aquafarms will pull their Belfast project after investing millions in development costs. The public fallout will be disastrous for this burgeoning industry that has been endorsed by environmental groups like CLF and the Gulf of Maine Research Institute.

I have not heard about any responsible opposition. Kim Tucker seems to have paralyzed the DEP—singlehandedly. Or at the very least cut them off from communications and courtesies usually extended to an applicant.

What may be the final precipitating event is the tone of Wednesday's letter from DEP (attached).

Angus King's office and Peter DelGreco had reached out to me last month and Erik Heim enquired more recently about the Turnpike's York Toll experience. I replied with the attached memo to explain that the process is sometimes slow but fundamentally fair and usually predictable.

After Wednesday's DEP letter, reassurances may not suffice.

Peter Mills

From: Janet Mills
To: Reid, Jerry

Cc: Peter Mills; Kennedy, Jeremy; Ogden, Scott; Johnson, Heather

Subject: Re: [EXTERNAL SENDER] Aquafarm in Belfast
Date: Friday, January 25, 2019 10:04:26 AM

Got it. Thanks

Sent from my iPhone

- > On Jan 25, 2019, at 9:51 AM, Reid, Jerry < Jerry.Reid@maine.gov> wrote:
- > I am meeting with Erik Heim this afternoon at 2:00 to try to reassure him that the DEP process will be fair and can work. There is a non-trivial title, right and interest problem with their application that the opponents have seized on. It's not clear to me why Nordic hasn't addressed it, because it would seem to be easily resolvable. I'll be talking to him about that too. It's not in Nordic's interest to move forward with a flawed application that will allow for a successful appeal of the permits they are seeking. I'm happy to provide people with more details at any time.
- > ----Original Message----
- > From: Peter Mills <pmills@mainelegal.net>
- > Sent: Friday, January 25, 2019 7:41 AM
- > To: Janet Mills <janet.t mills@gmail.com>; Kennedy, Jeremy <Jeremy.Kennedy@maine.gov>
- > Cc: Ogden, Scott. Cgden@maine.gov>; Reid, Jerry. Cgrry. Reid@maine.gov>; Johnson, Heather Cgrry. Reid@maine.gov>; J
- <Heather.Johnson@maine.gov>
- > Subject: [EXTERNAL SENDER] Aquafarm in Belfast
- > It now seems likely that the investors in Nordic Aquafarms will pull their Belfast project after investing millions in development costs. The public fallout will be disastrous for this burgeoning industry that has been endorsed by environmental groups like CLF and the Gulf of Maine Research Institute.
- > I have not heard about any responsible opposition. Kim Tucker seems to have paralyzed the DEP—singlehandedly. Or at the very least cut them off from communications and courtesies usually extended to an applicant.
- > What may be the final precipitating event is the tone of Wednesday's letter from DEP (attached).
- > Angus King's office and Peter DelGreco had reached out to me last month and Erik Heim enquired more recently about the Turnpike's York Toll experience. I replied with the attached memo to explain that the process is sometimes slow but fundamentally fair and usually predictable.
- > After Wednesday's DEP letter, reassurances may not suffice.
- > The wednesday s DE letter, reassurances may not sume
- > Peter Mills