

# **EXHIBIT**

**17**

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**From:** Ed Cotter <ec@nordicaquafarms.com>  
**Sent:** Wednesday, July 31, 2019 12:19 PM  
**To:** James Dorsky  
**Cc:** Joanna B. Tourangeau  
**Subject:** Re: Change of Schedule - Board of Environmental Protection Meetings Aug 1 and Aug 15

Thank you Jim, I feel that the sketches presented by Don are misleading in the way they depict the info and orient the compass points on the page.

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**From:** James Dorsky <JDorsky@GartleyDorsky.com>  
**Sent:** Wednesday, July 31, 2019 12:00 PM  
**To:** Ed Cotter <ec@nordicaquafarms.com>  
**Cc:** Joanna B. Tourangeau <JTourangeau@dwmlaw.com>  
**Subject:** RE: Change of Schedule - Board of Environmental Protection Meetings Aug 1 and Aug 15

Sorry about the delayed response. The key difference between my analysis and Don Richard's as far as title to the intertidal zone goes only has to do with our different interpretation of one deed. That is the deed from Hartley to Butler that he depicts in Green on his sketch. I'll draw a simple sketch to compare against his Sketch 4, but based on our survey not the Tax Map, and showing my interpretation of what was conveyed in the deeds from Hartley.

Thanks,

**James Dorsky, P.L.S.**  
Senior Vice President



**Gartley & Dorsky Engineering & Surveying**  
59 Union Street Unit 1, P.O. Box 1031, Camden, Maine 04843  
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**From:** Ed Cotter <ec@nordicaquafarms.com>  
**Sent:** Tuesday, July 30, 2019 4:30 PM  
**To:** James Dorsky <JDorsky@GartleyDorsky.com>  
**Cc:** Joanna B. Tourangeau <JTourangeau@dwmlaw.com>  
**Subject:** Fw: Change of Schedule - Board of Environmental Protection Meetings Aug 1 and Aug 15

Jim- Please see attachments from Kim Tucker and Donald Richards re: the TRI issue at the Eckrotes'. I am glad to have drawings to help explain things, but I find their materials misleading, and inaccurate (surprise!). Are you able to provide alternate sketches that might help explain the progression of titles as you see it?

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**From:** Kim Ervin Tucker <k.ervintucker@gmail.com>  
**Sent:** Tuesday, July 30, 2019 3:00 PM  
**To:** Bertocci, Cynthia S <Cynthia.S.Bertocci@maine.gov>  
**Cc:** Boak, Scott <Scott.Boak@maine.gov>; Burke, Ruth A <Ruth.A.Burke@maine.gov>; David Losee <david@loseelaw.com>; DEP, Nordic Aqua Farms <NordicAquaFarms.DEP@maine.gov>; Ed Cotter

Nordic-003903

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**From:** James Dorsky  
**Sent:** Friday, August 2, 2019 9:41 AM  
**To:** Ed Cotter  
**Cc:** Joanna B. Tourangeau; David M. Kallin  
**Subject:** RE: Change of Schedule - Board of Environmental Protection Meetings Aug 1 and Aug 15  
**Attachments:** Letter Regarding Richards Determination 5-16-2019.pdf; 18352SK1.pdf

Good Morning,

I have attached the sketch we discussed below. I have also attached the letter I provided earlier. The letter is no different but the sketch is explained by it so I thought I should send them together.

I think it is important to note that Don Richards' interpretation of Hartley's deed to Butler creates a latent ambiguity because there is no call for what is being conveyed to adjoin Cassida. My interpretation of that deed does not create an ambiguity.

I may not have explained this clearly enough in my letter, but in the vast majority of deeds conveying shorefront property, they are constructed in a way that includes a description of the upland. Most of those deeds also have language that tells us that the flats adjacent to the upland described are included with the grant. Sometimes the language is expressly stated as in the Hartley deed to Cassida. Sometimes the language that adds the flats is a call to the bay in the description itself as in the deed to the Butlers.

The law tells us that a call to the Bay means that the flats are included in the grant. But even in those deeds where the bay is called for in the description, if there are dimensions in the deed, they almost always fit the upland portion of the property.

Don Richards has interpreted the Hartley to Butler deed in a way that creates a latent ambiguity. I have interpreted the Hartley to Butler deed as having been drafted in the common, ordinary, customary, and usual manner in which shorefront lots are described and with this interpretation there is no ambiguity.

Thanks,

**James Dorsky, P.L.S.**  
Senior Vice President



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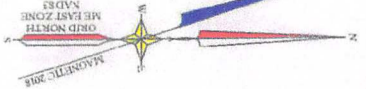
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**Cc:** Joanna B. Tourangeau <JTourangeau@dwmlaw.com>  
**Subject:** Re: Change of Schedule - Board of Environmental Protection Meetings Aug 1 and Aug 15

Nordic-003909



THREE CONVEYANCES BY HARRIET HARTLEY  
1946 - 1950



**SURVEYOR'S NOTES:**  
THE STREAM, GULLY, AND SHORELINE SHOWN ON THIS SECTION ARE TAKEN FROM AN ACTUAL SURVEY, HOWEVER, THIS SECTION IS NOT A BOUNDARY SURVEY AND SHOULD BE MANAGED BY THE MAINE BOARD OF UNDERSEA AND PROFESSIONAL LAND SURVEYORS PER AGREEMENT WITH THE CLIENT. THIS SECTION IS VERBALLY INTENDED TO GRANT FULL EFFECT IN A BOUNDARY. THE DEGREE OF THE THREE CONVEYANCES SHOWN.

	<b>Gartley &amp; Dorsky</b> INCORPORATED SURVEYORS 100 NORTHPORT AVENUE NORTHPORT, MAINE 04856		LOCATION: NORTHPORT AVENUE TOWN: HAZARD	PROJECT NO: 1946-1950 DATE: 10/20/2023
	CLIENT: NORDIC AQUARIUMS PROJECT: HARTLEY DEED SHEET CHS	SCALE: 1"=50' DATE: 10/20/2023	DRAWN BY: JAD CHECKED BY: JAD	SHEET NO: 1 OF 1

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**From:** Ed Cotter <ec@nordicaquafarms.com>  
**Sent:** Friday, August 2, 2019 10:16 AM  
**To:** James Dorsky  
**Cc:** Joanna B. Tourangeau; David M. Kallin; Erik Heim  
**Subject:** Re: Change of Schedule - Board of Environmental Protection Meetings Aug 1 and Aug 15

Thank you Jim, this is very helpful.

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**From:** James Dorsky <JDorsky@GartleyDorsky.com>  
**Sent:** Friday, August 2, 2019 9:41 AM  
**To:** Ed Cotter <ec@nordicaquafarms.com>  
**Cc:** Joanna B. Tourangeau <JTourangeau@dwmlaw.com>; David M. Kallin <DKallin@dwmlaw.com>  
**Subject:** RE: Change of Schedule - Board of Environmental Protection Meetings Aug 1 and Aug 15

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Senior Vice President



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Nordic-003916