

# **EXHIBIT**

**11**

STATE OF MAINE  
BOARD OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

Mark C. Draper, Chair

Cynthia S. Bertocci  
Executive Analyst

Ruth Ann Burke  
Board Clerk

June 27, 2019

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

RE: BEP Jurisdiction over Nordic Aquafarms' Applications

Dear Ms. Tourangeau:

In your letter dated June 21, 2019, you requested clarification of the scope of the Board's jurisdiction, including with respect to the issue of title, right or interest (TRI). On June 13, 2019, the Commissioner accepted Nordic Aquafarm, Inc.'s Air, MEPDES, NRPA, and Site Law applications as complete for processing pursuant to Department Rule Chapter 2 § 11(B). The Commissioner subsequently requested that the Board assume jurisdiction over and hold a hearing on those applications pursuant to Chapter 2 § 17. At its meeting on June 20, 2019, the Board voted to assume jurisdiction over and hold a hearing on the Nordic applications on a consolidated basis.

As you stated in your letter, the Commissioner's completeness determination is not a final licensing decision appealable to the Board. However, with respect to TRI, Chapter 2 § 11(D) requires that applicants such as Nordic maintain sufficient TRI in all property proposed for development and use "throughout the entire application processing period," and further states that the Department, which includes the Board, "may return an application, after it has already been accepted as complete for processing, if the Department determines that the applicant did not have, or no longer has, sufficient title, right or interest." The scope of the Board's eventual hearing on Nordic's applications, and whether the hearing topics may touch on TRI in any way, has not yet been determined. I hope you find this clarification helpful, and if you have any additional questions, please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark C. Draper".

Mark C. Draper, Chair  
Board of Environmental Protection

cc: Commissioner Gerald Reid  
Kim Ervin Tucker, Esq.  
David Losee, Esq.  
Peggy Bensinger, AAG  
Scott Boak, AAG  
Laura Jensen, AAG