

Good Afternoon,

Senator Brenner

Representative Gramlich

And members of the joint standing committee on the Environment and Natural Resources Committee

Thank you for taking time to address this very crucial issue for the State of Maine and our precious and valuable marine environment and resources.

I am Robert Burke, born and raised in Portland, educated by the Sisters of Mercy and the Jesuits, College grad with 2 1/2 years of graduate work.

What that means is, I have slightly more education than Thomas Bayes. For those who are not familiar with Thomas Bayes, he was an 18th century Presbyterian minister with great interest in mathematics. He developed what came to be called "the Bayesian hierarchical methodology" a theory on probabilities. His theory was not well received in his lifetime and as been debunked since. He lived at the very beginning of the scientific revolution and the development of the Scientific Method of research which, simply stated, said you identify a problem, State your hypothesis, collect objective and scientifically provable data and present your conclusion. The Scientific Method is still the model for studying the natural world today.

Federal and State regulatory agencies stopped practicing the Scientific Method about 15 years ago. Their data is no longer reliable, nor is it objective and in some cases it is flat out false. For example for a time NOAA was using The Bayesian hierarchical methodology, an highly subjective method of manipulating data to achieve a desired result or agenda. The Bayesian hierarchical methodology is primarily used in todays world by Madison Avenue marketing executives and Las Vegas bookies!

I a tell you how I know this. Has anyone here on the panel read any species assessment report by NOAA on either the right whale or haddock or any fishery ? Yeah I didn't think so. Neither had I. I was directed to them by commissioner Kelliher of the DMR when I was looking at the right whale question for a lot of Lobstermen friends who were claiming they never saw any.

I read the SARS reports from 2007 to 2021 and when I presented the mined data, the really honest objective data that is contained in there, and there is some good in their reports, before a scoping committee last October, Janet Coit, who is the regional Director of NOAA, was astounded. After the speech she asked for a copy of what I delivered. I gave it to her, of course, while assuring her that there was nothing in my speech that was not in one of NOAA's reports.

Those reports demonstrated that when you get past the double entries in accounting and outright falsification of data, the objective information shows honestly there are at least 736 right whales

TODAY out in the North Atlantic Population, not the 340 which they constantly claim. In those SARs reports there were 235 double entries, which created 189 false mortalities, a new column was added in the 2014 report for the sole purpose of creating mortalities. That created 42 1/2 mortalities. NOAA had developed a practice of not reporting Calving Births, so they were suppressing the birth rate and increasing the mortality rate, and that's how you get the number you got now and all of that was to maintain the right whale at the precipice of extinction to serve an agenda that has nothing to do with their mission statement of serving coastal communities and preserving marine resources. That's just one industry.

My point today here before you, ladies and gentlemen is to stress the fact that the review of the processes of these regulatory agencies is absolutely necessary. They have long lost their objectivity. Their data is now loaded with subjective analysis, probabilities and hope all serving different agendas.

These agencies are no longer protecting our marine resources. I have done some research into Kingfish Maine, the DMR and DEP did no vetting whatsoever. That business, Kingfish Maine, which is going to be 34 times the size of the New England Aquarium. The New England Aquarium is very proud of their Giant Ocean Tank, and rightfully so, it is 43 feet deep 20 feet wide and holds 200,000 gallons of water. This would be their process water, that's the water you have to treat if there's an animal in the water that has an illness or a parasite. Kingfish Maine has admitted their process water is 6,800,000 gallons that would be 34 — 200,000 gallon tanks!

When they need to treat those king fish yellowtail which they're growing and they likely will, in the recycling aquaculture community it's pretty standard that because of the density of the population of fish some parasite or illness will present itself and you have to treat them all. So they have to treat 6,800,000 gallons of process water. The common treatment medicine is formalin. Formalin is mixed as a very simple formula. It is 37 to 50% formaldehyde, 15% methanol and the rest is water. When you are treating 6,800,000 gallons of water with formalin you are going to be discharging up to 8000 gallons of formaldehyde per treatment. Now Kingfish, because of the lack of vetting, is like a fox guarding the henhouse. They are in charge of their own testing. They will be discharging 8,000 gallons of formaldehyde into Chandler Bay each time they treat, is that a good idea? Where is the agency regulatory oversight here.

There's no outside testing, no objective testing to keep them honest and protect the fragile marine environment of Chandler Bay which is a nursery for all manner of marine life. Without oversight, Kingfish, the fox in the henhouse, decided they will discharge more nitrogen into Chandler Bay than the amount that is discharged in Casco Bay. Having grown up in Portland, Casco Bay I know is almost 1000 mi.<sup>2</sup>, Chandler Bay is about 10 mi.<sup>2</sup>. So Kingfish Maine, who are monitoring themselves, have gotten a permit that DMR has signed off on which allows KM to discharge nitrogen in amounts 100 times what Chandler Bay can handle. is that what we want there?

Same is true for the discharge of phosphorus, no regulatory oversight. The executives running KM

have a history. One of them, Hans den Biemen was the head of an aquaculture firm in Scotland, called MOWI. That business was thrown out of Scotland after they dumped 19.6 metric tons of formaldehyde in the four lochs, one of them Loch Acraig, the Scottish EPA has deemed to be barren. It is devoid of fish, otter, osprey, and eagle and no land animals come to drink from it and it stinks. Is that what we want for Jonesport? I could go on, KM is raising yellowtail Kingfish a tropical fish that requires water temperatures to be 82-84 degrees in order to grow out. KM is taking 28,700,000 gallons daily out of Chandler Bay, heating it to 84 degrees and returning it daily to Chandler Bay with no provision stated requiring them to return the water at the same temperature it was on intake. What will 28,700,000 gallons of 84 degree water daily do to the ecology, biology and marine life in the bay? Is that what we want for Jonesport, for Maine?

We are selling our seacoast and precious and valuable marine resources. And the sale is being aided in the regulatory agencies, which you have now agreed to review and I applaud that process. It is a great thing I ask you to consider that these agencies are, it seems, ignoring common sense, and they are more importantly, ignoring the real hard objective data, and knowledge, which is contained in the minds, and vessels of all of the fishermen, ground fisherman and lobster fisherman and all the men and women who, daily, have their hands and hearts in the Gulf of Maine waters. They know what's going on on a daily basis with the real true accurate data: water temperature, biomass concentration, location of biomass and density of biomass. They know because that's their job. That's what they do and it amazes me that these agencies do not seem to reach out to our real stewards of the marine environment and ask for help and guidance in determining what are appropriate regulatory interventions.

If I were you, I would reach out to them directly and ask them for what's really going on in the gulf of Maine, what's really going on with the fisheries. The data that is in the banks of computers of DMR, of DEP & NOAA and all of these regulatory agencies is bad data, it is like the old saying "garbage in garbage out", if you input faulty data you are not going to get better data coming out, and yet they are propagating regulations based upon their manipulations of that faulty data.

Robert Kennedy once said "give a man a fish you feed him for a day, teach him how to fish and you feed him for a lifetime".

The fishing industries of Maine, and those include the lobster industry, the ground fisheries, scallopers, clammers, shrimpers, oyster harvesters, mussel farmers, tuna fishermen, and the kids who hang at the end of docks and floats all along our coast with a worm or a clam on a hook and a heart full of the hope that they will catch something for dinner need your help and service are all good, responsible, sustaining, and self regulating.

Fishing is a noble, worthwhile profession and in the case of our lobster fishery one that is known around the world as the most responsible, sustainable, self regulating fishery on this planet. Is it any wonder that the world is now beating a path to our shores to be able to say with pride what we already

know, "this product is the best because it was raised in Maine"!

At what cost to Maine do we risk leasing our precious marine environment to unknown international businesses?

We have an abundance of the freshest fish in the world our coastal waters, haddock, cod, mackerel, herring, redfish, hake, flounder, halibut, wild salmon and tuna are just some of the fish that live or visit here right off our shores.

Do we want to pen these wild things up by the tens of thousands?

Respectfully submitted,

Robert Burke

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*"Tradition is not the worship of ashes,  
but the preservation of fire."*

*Gustav Mahler*



## Jabberwocky

BY LEWIS CARROLL

"Twas brillig, and the slithy toves  
Did gyre and gimble in the wabe:  
All mimsy were the borogoves,  
And the mome raths outgrabe.

"Beware the Jabberwock, my son!  
The jaws that bite, the claws that catch!  
Beware the Jubjub bird, and shun  
The frumious Bandersnatch!"

He took his vorpal sword in hand;  
Long time the manxome foe he sought—  
So rested he by the Tumtum tree  
And stood awhile in thought.

And, as in uffish thought he stood,  
The Jabberwock, with eyes of flame,  
Came whiffling through the tulgey wood,  
And burbled as it came!

One, two! One, two! And through and through  
The vorpal blade went snicker-snack!  
He left it dead, and with its head  
He went galumphing back.

"And hast thou slain the Jabberwock?  
Come to my arms, my beamish boy!  
O frabjous day! Callooh! Callay!"  
He chortled in his joy.

'Twas brillig, and the slithy toves  
Did gyre and gimble in the wabe:  
All mimsy were the borogoves,  
And the mome raths outgrabe.

Source: *The Random House Book of Poetry for Children* (1983).

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