

**Office of the Chief and Council**

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**DECLARATION OF THE PENOBSCOT NATION**

I, Chief Kirk Francis declare as follows:

1. I am the Chief of the P̄naw̄hpskewi – the Penobscot Nation – and I am competent to testify to all facts contained in this declaration.
2. The Penobscot Nation submits this declaration in support of its petition to intervene in the licensing proceeding for the proposed expansion of the Juniper Ridge Landfill (“JRL”). The Nation and its citizens are, and will be, substantially and directly affected by the proposed expansion due to the facility’s proximity to the Nation’s lands and the Nation’s ongoing use of nearby air, water, and natural resources.
3. The Penobscot Nation is a sovereign entity that has inhabited P̄naw̄hpskek since time immemorial. Today, the Penobscot Nation consists of well over 2,000 citizens.
4. The Penobscot Nation Reservation includes islands that are 1.5 miles from JRL. The Nation also has a school, daycare, youth program, administrative buildings, a health center, and elder facilities including assisted living and elderly apartments located on Indian Island—approximately 6.4 miles from JRL. These facilities are occupied and used daily by the Nation’s citizens, including children and elders, who are directly exposed to the environmental and air quality impacts of JRL.
5. The Alton Fee land is 5 miles away from JRL and the Argyle Trust land is 5.25 miles away from JRL. The Penobscot Nation also holds additional lands within 10 miles of JRL. The original homelands of the Penobscot Nation include the present-date site where JRL is located and operates.
6. The Penobscot Nation is directly and substantially affected by this proceeding because our rights and sovereignty are violated by an expansion that threatens our people, our land, and the Penobscot River, which is our kin.

7. The Penobscot Nation would be directly affected and experience ongoing impacts from an expansion of JRL, as it would worsen the negative impacts of the landfill on our people and the environment that we have stewarded for centuries.
8. These impacts are not hypothetical. The Nation's citizens already experience odors, air emissions, and environmental effects associated with JRL's current operations, including ash fallout, strong odors, and concerns about water quality. The proposed expansion would intensify these existing impacts.
9. The Penobscot River is a citizen of our tribe, and the environment includes fish, wildlife and plants that are our relatives. The Nation has worked tirelessly to invest in the restoration of salmon and other sea-run fish including river herring, striped bass, American shad, rainbow smelts, American eel, sea lamprey, and more.
10. The Penobscot Nation lives in concert with the Penobscot River Watershed and strives to be life-giving as opposed to destroying. JRL is located between Pushaw and Birch streams, two significant streams that flow into the Penobscot River – directly into reservation waters.
11. The tribe has legally reserved rights for fishing and hunting for sustenance on the reservation and trust lands.
12. Many of our citizens still practice our traditional way of life and regularly eat turtle, muskrat, duck, deer, and moose. The ability to hunt these animals is protected as part of our tribe's sovereignty. Fishing, too, is a large concern as our citizens consume sea-run fish, alewives, and resident fish populations. Now, the threats posed by pollution make this way of life less safe. These activities require direct and ongoing interaction with the land, water, and wildlife in the Penobscot River watershed, and expose the Nation's citizens to any contamination affecting these resources.
13. Because the Nation relies on the river for sustenance, cultural, and ceremonial purposes, its citizens are directly exposed to contaminants in the river and affected by any degradation in water quality.
14. The known presence of PFAS in JRL's leachate that is discharged into the Penobscot River is deeply concerning. Our people are riverine based. Our culture relies on wild foods, and when our traditional food sources are contaminated, we are forced to choose between being true to our traditions and risking the health of our tribe or moving away from our centuries-old culture.

15. The Penobscot Nation is also fearful for our relatives in the Penobscot watershed. Our fisheries are impacted and so are the fish themselves. The plants and the very water are negatively impacted by JRL's operations.
16. The expansion of JRL also threatens our restoration work. Even as the Penobscot Nation works to restore salmon and other sea-run fish to the area, there will be significant risks to consuming the fish. Further pollution to our waterways also threatens the salmon and other species directly.
17. The Nation's water ceremonies are deeply significant to our people. Pollution alters the water and undermines its ability to sustain and heal. These waters are part of our culture and the expansion of JRL would further threaten our relationship with our waters.
18. The Nation has seen ash rain down following a fire at JRL. As our people struggled to breathe, there were also very serious concerns for Penobscot people growing food in their yards, collecting fiddleheads, and spending time near the riverbeds. The proposed JRL expansion will increase the size of the landfill significantly and will increase the risk of landfill fires.
19. Our citizens already must live with the smells of the landfill. If the proposed expansion were to occur, we are worried that the odors will get stronger and more prevalent. We have children with respiratory problems and our parents are worried about the health of their families.
20. The Penobscot Nation tries to practice sustenance fishing from a river that has over 90 landfills along its watershed and multiple wastewater treatment plants pouring into it.
21. We have citizens that have experienced significant health impacts, and we believe it is related to pollution. Some citizens complain that their water smells and is undrinkable. The Nation's members suffer higher rates of cancer than the rest of the State. We fear environmental causes contribute to this. Our people wonder what we are inhaling and consuming, and we fear a JRL expansion will only worsen this problem.
22. We have long been involved in trying to protect ourselves from JRL's pollution. We have had a citizen of Penobscot Nation on the JRL Advisory Committee for decades.
23. The people of the Penobscot Nation and our relatives already suffer the negative impacts of JRL and the pollution it creates. A JRL expansion would threaten our very way of life as well as the health and safety of our people and our kin.

I swear, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on: 5/21/2020

A handwritten signature in black ink, appearing to read "Kirk Francis", written over a horizontal line.

Chief Kirk Francis