Genetically Engineered Salmon Facility Proposed for Williams County OH

In **July 2021**, AquaBounty (AQB), a land-based aquaculture corporation, announced plans to build an 11-acre indoor facility in Pioneer, Ohio, (Williams County) capable of producing 10,000 metric tons of genetically engineered (GE) salmon **per year**. This "all in one" aquaculture facility would be one of the largest in the world, where it would hatch, raise, process, and sell GMO salmon.

BACKGROUND

The AquaBounty (AQB) project came to Ohio through a Jobs Ohio lead via the Regional Growth Partnership of Northwest Ohio. Jobs Ohio is a private entity within the government, so it is not subject to FOIA.

April 2020

- WEDCO obtained the project code name – Project Scale
- WEDCO received some of the project details about capacity and utility information
- WEDCO reviewed what assets they had on the books in Williams County
- WEDCO contacted communities and asked if they wanted to submit a request for information (RFI)
- WEDCO received yesses and no's from communities

The matching asset on the books was the Pioneer Industrial Park. WEDCO submitted a request for information (RFI).

April/May 2020

AQB narrowed their list down to their top 5 sites. Pioneer was on the list.

July 2020

AQB site selectors came to Pioneer to review the site. AQB began due diligence on two sites. Pioneer moved to the top of the due diligence list.

Late October 2020

AquaBounty Technologies announces plans for 10,000 Metric Ton Salmon Farm in Mayfield, KY.

(Above information obtained from the Williams County commissioners August 30, 2021 meeting minutes, where Megan Hausch, executive director of the Williams County Economic Development Corporation (WEDCO), gave an AquaBounty presentation to the Williams County Commissioners.
https://www.williamscountyoh.gov/AgendaCenter/ViewFile/Minutes/_08302021-919

December 20, 2020 village of Pioneer in process of submitting application to the Ohio Development Services Agency; proposed CDBG Economic Development project

January 22, 2021 Kidston Consulting, Inc bought land just outside the village of Pioneer Industrial Park; 83.3 acres from James Evers trustee for $600,000 — $7,202 per acre. Months later, July 2021, Kidston Consulting has an agreement to sell it to AquaBounty for $2.1 million ($24,000 per acre).

January 25, 2021 Madison Twp meeting. Mayor Ed Kidston, County Commissioner Hilkert and Megan Hausch (WEDCO) attended the meeting. Mayor Kidston offers trustees $5000/yr for 10 years to agree to annex property. Trustees do not accept the offer.

Feb 6, 2021 Village of Pioneer voted in favor of annexing 160 acres of land in Madison Township to bolster the town's industrial park, though the township has yet to agree to it. The acreage includes property owned by Kidston Consulting.

Feb 6, 2021 Madison Twp trustee mtg – Kidston makes offer of $50,000 lump sum via Megan Hausch (WEDCO) if trustees agree to annexation that day. In initially rejecting the annexation Feb. 6, trustees also rejected an offer of $50,000 from Kidston Consultants Ltd, which is owned by Pioneer Mayor Ed Kidston. The payment appears to have been offered on condition that trustees accepted and signed the annexation agreement that same day, according to township Fiscal Officer Deb Maneval and the minutes of the meeting.

Feb 8, 2021 Village of Pioneer council and Madison Township pass the same annexation resolution.

Feb 11, 2021 Commissioners unanimously approved the Type 1 annexation, extending the current 80-acre Pioneer North Industrial Park east to County Road 15.

April 13, 2021 Village of Pioneer council accepts annexation; the annexation passed through a formal resolution that was approved by a 5-0 vote. Councilman Al Kwader abstained.

April 22, 2021 Commissioners approve Enterprise Zone expansion in Pioneer; approve a petition to expand the village's Enterprise Zone Agreement by 192 acres, including 32 acres annexed in 2015 and 160 more just recently annexed.

May 22, 2021 Bryan Times article -- ODNR: "private company" looking to develop facility near Pioneer; test wells drilled in Madison Township

June 14, 2021 The Pioneer Village Council approved rezoning areas of the industrial park that had recently been annexed. Prior to the meeting, the Pioneer Zoning Commission met to discuss the idea. Only three members attended, Mayor Ed Kidston, Councilwoman Connie Salisbury and Chairman Tom Richmond. Kidston abstained from the vote, as he owns one of the properties, but the recommendation still passed.

July 23, 2021 On July 23, 2021, the Company (AquaBounty) executed a Purchase and Sale Agreement with Kidston Consultants for the purchase of approximately 85 acres of land in the Village of Pioneer, Williams County Ohio for $2.1 million. The sale is subject to the satisfaction of certain contingencies and customary closing conditions. The transaction is expected to close in early 2022, though the Company has an option to commence work on the site prior to close.

July 29, 2021 Bryan Times article announces **"**Salmon Farm Coming to Pioneer"

August 5, 2021 WEDCO Town Hall AquaBounty Virtual Meeting

August 12, 2021 Williams County Commissioners Public Notice: Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds. Williams County Commissioners published a public notice in The Bryan Times stating that they determined the AquaBounty project will have no significant impact on the environment and therefore an environmental impact study is not required. The commissioners also announced their plan to release $1.185 million of federal Community Development Block Grants and Ohio Department of Transportation funds for the AquaBounty project. **Deadline to comment: August 27, 2021**

August 26, 2021 Notice of Suspension of the Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds for the AquaBounty Farms Ohio, LLC Development. (AQB states it does not take CDBG grant due to time constraints).

October 6, 2021, the Chief of the Ohio Department of Natural Resources (ODNR) Division of Water Resources (Division) received a Water Withdrawal and Consumptive Use Permit Application (Application) from AquaBounty Farms Ohio, LLC (Applicant) for a proposed well field near Pioneer, Ohio with a new capacity for ground water withdrawals in the Lake Erie watershed of 3 million gallons per day (gpd) for use at its planned aquaculture facility.

October 27, 2021, a Notice of Incomplete Application was sent to the Applicant by the ODNR notifying the Applicant (AQB) that the Application was not complete and of the information needed to complete the Application.

October 28, 2021, Toledo Port Authority considers issuance of conduit revenue bonds to support the financing of AquaBounty Farms Ohio, LLC ($300 million dollars). The Toledo-Lucas County Port Authority's board agreed to issue the $300 million in bonds after being approached by the Williams County agency and other state and regional officials, including Regional Growth Partnership/Jobs Ohio.

November 10, 2021, the Division of Water ODNR received a resubmission of the Application from the Applicant (AQB).

December 13, 2021, a Notice of Complete Application was sent by the ODNR to the Applicant (AQB).

January 24, 2022, the 30-day public comment period opened for AQB's Water Withdrawal and Consumptive Use Permit application and will end Feb 22. All public comments received will be posted on ODNR's website, followed by an opportunity for the AQB to respond. After reviewing the Application, any public comments received, and any response from the AQB, the Chief of the Division of Water (ODNR) will issue an Order issuing or denying the Permit.

Over 1200 comments were submitted to ODNR, overwhelmingly opposed to the AquaBounty project.

March 14, 2022, the Chief of the ODNR's Division of Water approves the permit **with conditions**.

April 20, 2022, AQB holds ceremonially groundbreaking.

May 12, 2022, the Chief of the Ohio Department of Natural Resources (ODNR) Division of Water Resources (Division) received a Water Withdrawal and Consumptive Use Permit Application (Application) from AquaBounty Farms Ohio, LLC (Applicant) for a proposed well field East of Pioneer, Ohio with a new capacity for ground water withdrawals in the Lake Erie watershed of 5.25 million gallons per day (mgd) for use at its planned aquaculture farm.

May 17, 2022, Aquabounty purchases approximately 83 acres from Kidston Consulting for $2,073,875.00.

May 31, 2022, a Notice of Incomplete Application was sent to the AQB notifying the AQB that the Application was not complete and of the information needed to complete the Application.

If the Application is approved, AQB will relinquish its existing Water Withdrawal and Consumptive Use Permit Number 2022-001, which was issued on March 14, 2022, and which authorized a well field South of Pioneer, Ohio with a new capacity for ground water withdrawals in the Lake Erie watershed of 3 mgd for use at its planned aquaculture farm.

June 10, 2022 AquaBounty Technologies hosts an in-person Town Hall on Wednesday, June 22, 2022 from 6:00PM to 8:00PM EDT at the North Central Schools Auditoria. Limited seating is available. Registration is required to attend. Questions must be submitted in advance.

June 13, 2022 AquaBounty submits an application for two permits to the Ohio EPA; one to construct the wastewater treatment system (PTI – permit to install) and another to discharge treated wastewater from the system, the National Pollutant Discharge Elimination System (NPDES).

July 21, 2022 AquaBounty submits an application to the Ohio EPA for an antidegradation project for a processing plant discharging into the East Branch of the St Joe River.

August 25, 2022 Williams County Commissioners signed a letter to the Village of Pioneer in regards to the Permit to Work within County or Township Road Right of Way Limits. The County Engineer, Todd Roth, received the application. Roth sent it out for a legal opinion. On August 25th the County Commissioners received the application with an attorney/client privilege email that was also reviewed by the County Prosecutor which informed the County Engineer that under these terms it would not be considered a Public Utility. The letter that was signed by the county commissioners denies the application, but does not negate the Village of Pioneer to re-apply.

September 12, 2022 the Ohio EPA holds a public hearing for the discharge permits (NPDES/PTI) in Pioneer OH and takes oral and written comments.

September 29, 2022 the **Chief of the ODNR Division of Water Resources issued an Order approving the Application and issuing a Withdrawal and Consumptive Use Permit to withdraw 5.25 MGD to AquaBoAquaunty with Conditions (obtain NPDES permit, install monitoring wells, etc).** AQB will relinquish its existing Water Withdrawal and Consumptive Use Permit Number 2022-001, which was issued on March 14, 2022, and which authorized a well field South of Pioneer, Ohio with a new capacity for ground water withdrawals in the Lake Erie watershed of 3 mgd for use at its planned aquaculture facility.

October 6, 2022 in accordance with the ODNR Chief's Order, AquaBounty relinquished its prior Water Withdrawal and Consumptive Use Permit Number 2022-001 for 3 mgd.

March 6, 2023 The Williams County commissioners once again denied an application for a permit from the Village of Pioneer to build a water and wastewater line in the county right of way, proposed for the south side of County Road S, between county roads 15 and 16.25. "The county engineer (Todd Roth) gave a presentation as to whether or not the water lines leading to AquaBounty and the wastewater line going away from AquaBounty that would be a public utility," said Williams County Commissioner Lew Hilkert. "The county engineer's legal counsel said it would not, it would be a private utility, … " This was the same reason given for the rejection of the application last year.

March 27, 2023 AquaBounty submitted a proposed groundwater monitoring plan to the ODNR, Division of Water for review and approval. Under review.

April 4, 2023 AquaBounty and the Village of Pioneer file **administrative appeals** in Williams County Common Pleas Court. AquaBounty and the village allege in the appeal that the decision by the commissioners to deny the permit to construct a water and wastewater line in the county right of way is "unconstitutional, illegal, arbitrary, capricious, unreasonable, and/or unsupported by the preponderance of substantial, reliable, and probative evidence."

April 25, 2023 Williams County Commissioners give notice of legal representation in a legal matter involving a public right of way dispute involving the village of Pioneer and AquaBounty.

April 25, 2023 The Pioneer Village Council passed a utility term sheet for AquaBounty at a special meeting. According to the utility term sheet, AquaBounty will construct off-site facilities including water well and related infrastructure at property owned by Kidston Consultants Limited (which is owned by Pioneer Mayor Ed Kidston). AquaBounty would also construct a 20-inch diameter transmission line for raw water and a 20-inch diameter wastewater transmission line, both of which are to be located on Williams County right of way on County Road S. "The Village and AQB have agreed that it is in the public interest and the parties' interest for the Village to create a Public Utility to own and operate the Utility Facilities so that the public may have better access to raw water, stormwater and wastewater disposal, and additional public fire protection," the term sheet states. The sheet also states AquaBounty would build the infrastructure and donate it to the village. The village will then take responsibility for the operation, maintenance and repair of the utility.

May 8, 2023 Pioneer Council meeting: The Village of Pioneer amended its contract with attorney John Bentine. John Bentine, who has been working with Pioneer in its ongoing discussions with AquaBounty and the Williams County commissioners regarding the establishment of a water transmission utility, wrote a letter to council asking for amendments to his contract because of the time commitment that has been required. In Bentine's letter to council he writes, "Please note, paragraph 16 of the Village AQB Term Sheet provides that **AQB shall reimburse the Village for its expenses in these matters** for the Village Attorney, John Bentine and John Courtney for $90,000, with expenses over the $90,000 to also be reimbursed with AQB's approval, such approval not to be unreasonably withheld."

May 23, 2023 Pioneer Village Council met in special session and passed an ordinance to establish a water transmission utility. AquaBounty will design and construct the utility with approval of the village. Once the construction is complete, AquaBounty will donate the utility to the village, which will take over operation and maintenance of the utility.

June 2, 2023 AquaBounty announced a pause in construction due to substantial increase in estimated cost of its completion and failure to secure financing. As of July 2023, the Toledo-Lucas County Port Authority stated that no bonds have actually been issued yet.

July 3, 2023 AquaBounty has partnered with Gilbane Building Co, a Cleveland-based construction services firm, to drive the project forward, according to a filing with the Securities and Exchange Commission on June 29.

July 21, 2023 First hearing for the lawsuit filed by AquaBounty against Williams County commissioners over use of county right-of way. Retired Judge Reeve W. Kelsey, formerly of Wood County Common Pleas Court, was assigned to hear the case following recusal of Williams County Common Pleas Judge J.T. Stelzer.

September 13, 2023 The Village of Pioneer filed a third request to the Williams County Commissioners to run water and discharge lines in the county right of way. After a two and a half hour administrative hearing, the Williams County commissioners voted unanimously to again deny a permit for water and wastewater lines for the Village of Pioneer.

October 10, 2023 The Village of Pioneer and AquaBounty appealed the Williams County Commissioners' September 13, 2023 decision to deny running the water and discharge lines in the county right of way. The two appeals are being consolidated.

October 12, 2023 The AquaBounty Board of Directors approved a 1-for-20 reverse stock split. AquaBounty was informed on 10/31/2022 that it faced delisting on the Nasdaq because its stock had been below $1/share for 30 consecutive shares. At the time of the reverse stock split, stock was in the $.20/share range.

October 21, 2023 Shares in US land-based salmon producer AquaBounty have fallen more than 20 percent from Monday's high of $4.29 following the company's shareholders approving a reverse stock split aimed at avoiding a delisting from the Nasdaq index.

November 3, 2023 The Court conducted a telephonic pretrial conference for the second set of appeals filed by the Village of Pioneer and AquaBounty to discuss the briefing of them.

Judge ruled in favor of Pioneer/AQB in the court of common pleas; county commissioners appealed.
See Clerk of Courts | Williams County, OH (williamscountyoh.gov) ; records search; civil search; case number: 24WM000007

August 21, 2024 Oral arguments scheduled for August 21, 2024, 10 am, Sixth District Court of Appeals.