



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-022

AMANDA E. BEAL  
COMMISSIONER  
  
JUDY C. EAST  
EXECUTIVE DIRECTOR

September 12, 2020

*Via E-mail Only*

Jeremey Ouellette  
Wolfden Mt. Chase, LLC.  
1100 Russell St., Unit 5  
Thunder Bay, Ontario P7B 5N2  
Canada

Dear Mr. Ouellette;

The Land Use Planning Commission has accepted as complete for processing Wolfden Mt Chase, LLC.'s petition (ZP 779) to rezone 528.2 acres in T6 R6 WELS to a Planned Development subdistrict (D-PD) for the purpose of metallic mineral mining. Commission staff have begun the formal review process and have also solicited review on aspects of the petition from other state agencies and independent consultants. Please bear in mind that questions and additional information requests may be forthcoming as these entities conduct their reviews.

The Commission staff have identified several areas where additional information is needed to complete our review of the petition. Please submit the following as soon as possible, but at least within 30 days of the date of this letter.

1. *Acreages of Current Zones and Impacts to Zones*

Recent surveys of the area to be rezoned found intermittent streams. By rule, these streams are located in Shoreland Protection subdistricts (P-SL2) of 75 ft. landward from the normal high-water mark on either side. Please provide a revised total acreage of General Management subdistrict (M-GN) and the total acres of P-SL2 subdistrict that will be rezoned to D-PD subdistrict. It is our understanding that the total area proposed for rezoning is 528 acres.

2. *Tailings Management Facility*

The number of sections planned for the TMF is inconsistent in the current version of the petition. Five sections are indicated in some places (for example, on page 5), while 3 sections are indicated in others (for example, pages 11 and 13). Please clarify the number of sections planned, and, if appropriate, provide an updated *High Level Schedule of Mine Permitting, Construction, Operation, and Reclamation* figure.

3. *Depth of Mine*

Please provide an estimate, based on currently available information, on the maximum depth of the proposed underground metallic mineral mine. A schematic of a typical underground shaft mine, if available, would also be helpful to the Commission's review.

#### 4. *Scenic Resources*

- a) The bare-earth viewshed analysis should be based on an 18 m tall structure (the proposed height of the concentrator building). An 18 m tall structure is likely to be visible from more locations on the landscape than a 10 m tall structure. Provide a revised description of methodology and a revised map for the desktop viewshed analysis with labels for scenic resources from which there may be views of the proposed development including hiking trails (particularly the summit of Mt. Chase), scenic highways (particularly State Route 11, Fish River Scenic Highway), boat launches (including the launch on Pleasant Lake), major waterbodies, etc. If Wolfden would like to capture the effect of trees on the potential visibility of the facility, a line of site analysis from key viewpoints may be a better way to accomplish that goal.
- b) Based on a staff visit to the area on August 27, 2020, the LUPC did not find evidence that the campsites the DeLorme map shows on the north and south sides of Pleasant Lake are active sites, but the boat launch has been active recently.

#### 5. *Recreational and Scenic Resource Use*

- a) Provide more detailed information, and include the sources of that information, on the levels of use for recreational and scenic resources within 3 miles of the project. All resources should be considered, but of particular concern are Pleasant Lake and Pickett Mountain Pond.
- b) Update the map of recreational and scenic resources (Attachment L) within 3 miles of the project to include the boat launch on Pleasant Lake.

#### 6. *Soil Suitability*

- a) Submit evidence supporting the statement that “soils are generally suitable for the proposed project for construction of facilities and the TMF” (Exhibit J). This evidence should be a report containing sufficient detail to demonstrate that soils and site conditions are generally suitable for all proposed uses in the proposed subdistrict. The report should include information on the depth to groundwater, the depth to bedrock, and the slopes in the project area. A field investigation to assess general suitability, based on hand shovel or auger borings, may be used in preparing the soil suitability report provided the method used is well documented in the report.
- b) If the soil suitability is limited for any proposed uses, include a description of the extent of those limitations (relative percentage of the overall area for redistricting), general location, and how the limitations could be overcome using standard engineering and construction practices. Of particular concern for this site, based on the site visit, are the somewhat poorly drained soils and soils with a shallow oxygenated groundwater table, and what measures could be used to overcome associated limitations to ensure that downgradient ground and surface water hydrology will not be adversely impacted.

#### 7. *Waste Disposal*

Information from the manufacturer of the reverse osmosis water treatment system is missing from the petition, although it is referenced on (digital) page 207 of the petition. The information sought is confirmation that the reverse osmosis units are capable of removing all the analytes that were above background levels when sampled at the Halfmile Mine in August of 2019.

#### 8. *Financial Practicability*

To allow further evaluation of the financial practicability and technical feasibility of the proposed project, provide evidence that development of the Pickett Mountain Mine will be technically feasible

and financially practicable with supporting documentation such as a Preliminary Economic Assessment.

9. *Shape Files*

It would be helpful to the Commission's review, if Wolfden could provide shapefiles for the wetland boundaries and stream locations identified during the onsite wetland delineation.

10. *Noise Assessment*

Attached to this letter is a report from Peter Guldberg of Tech Environmental, Inc., an independent consultant conducting a third-party review of the noise assessment presented in the petition. The report details an initial review of the noise assessment and concludes that it is neither accurate nor technically correct, making it difficult to determine if the proposal has a reasonable likelihood of complying with noise regulations. Please revise and submit a new noise assessment based on the recommendations in the report.

11. *State Agency Review Comments*

Attached to this letter are all the State agency review comments that we have received to date on the petition. The LUPC is requesting a response to comments from two agencies, the Maine Department of Inland Fisheries and Wildlife (MDIFW) and the Maine Department of Transportation (MDOT).

- a) MDIFW is requesting additional information regarding potential impacts to fish and wildlife resources. One request relates to the request for additional information on soil suitability and to the potential for the project to alter the hydrology and water chemistry of down gradient streams due to surface and shallow groundwater diversions, potentially impacting the down gradient fishery resources. Regarding the potential habitat for the State Threatened Clayton's copper butterfly, LUPC is working with the Maine Natural Areas Program and MDIFW to schedule a joint site visit to the area. We will be in touch about that site visit soon.
- b) LUPC is requesting a detailed response to MDOT's Logging Rd Access comments 1 and 2. The remaining MDOT comments relate more to design details that will need to be addressed during permitting. However, please indicate if it will be financially and technically possible to incorporate the MDOT recommendations into the final design for the transportation route.

If you have any questions about the agency's additional information request or about the petition process, please feel free to contact me. I can be reached during normal business hours at telephone number 207-557-2535 or by e-mail at [stacie.r.beyer@maine.gov](mailto:stacie.r.beyer@maine.gov).

Sincerely,



Stacie R. Beyer  
Planning Manager, Land Use Planning Commission

Enclosures: Contractor and Agency Comments