

From: secretary@mooseheadregionfutures.com
To: [Beyer, Stacie R](#); [Kaczowski, Debra](#)
Cc: jmwld@aol.com; jchasse10@gmail.com; joe@lakeparlinlodge.com; captbill1948@gmail.com; bakajza.george@gmail.com; [Kay York Johnson](#); marcialeephillips@gmail.com; bigindianrwe@gmail.com
Subject: Petition to Intervene in the matter of LUPC development Permit 3639F attached
Date: Tuesday, May 10, 2022 4:25:21 PM
Attachments: [MRFCPetitionToIntervene2022-05-10.pdf](#)

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Hello Ms. Beyer and Ms. Kaczowski:

Please accept the Moosehead Region Futures Committee's Petition to Intervene in the public hearing scheduled in the matter of Big Lake Development LLC's application for a development permit, number 3639F, which is attached.

If there are any deficiencies in format or content, I will be grateful for your advice.

Very truly yours,

--Chris King, Secretary
Moosehead Region Futures Committee
207-695-4474



Moosehead Region Futures Committee

P. O. Box 164 • Greenville Junction, ME 04442

secretary@mooseheadregionfutures.com

207-695-4474

May 10, 2022

Ms. Stacie R. Beyer, Acting Executive Director
Maine Land Use Planning Commission
18 Elkins Lane
22 State House Station
Augusta, ME 04333
emailed to: Stacie.R.Beyer@maine.gov

Ms. Debra Kaczowski, Permitting and Compliance Regional Supervisor
Maine Land Use Planning Commission
43 Lakeview Street
P. O. Box 1107
Greenville, ME 04441
emailed to: Debra.Kaczowski@maine.gov

STEERING
COMMITTEE

JOHN WILLARD,
PRESIDENT

JANET CHASSE,
VICE-PRESIDENT

CHRISTOPHER KING,
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TREASURER

RONALD ELKIN

JOE KRUSE

MARCIA PHILLIPS

BILL BAKER

KAY YORK
JOHNSON

GEORGE BAKAJZA

Re: **LUPC Development Permit 3639F–Big Lake Development LLC**

Dear Ms. Beyer and Ms. Kaczowski:

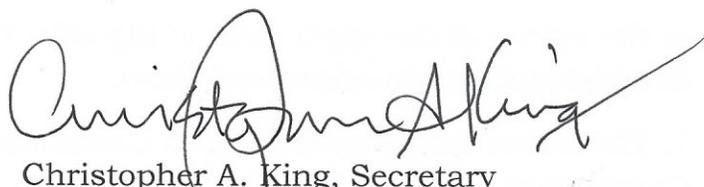
Please accept this letter as a

**PETITION TO INTERVENE
BY THE MOOSEHEAD REGION FUTURES COMMITTEE**

in the matter of the application of Big Lake Development, LLC for a development permit referenced above.

1. The Moosehead Region Futures Committee (MRFC) is a Maine Nonprofit Corporation.

2. MRFC petitions for leave to intervene as a full party to this proceeding, pursuant to 5 M.R.S. §9054 (2) and 01-672 C.M.R., ch. 5, §5.03 (A)(1).
3. MRFC wishes to participate in oral cross-examination, and to reserve the right to offer testimony and evidence, at the public hearing scheduled in this proceeding.
4. MRFC has shown its interest in this matter by, among other things, requesting a public hearing, and by participating in the Commission's meeting on February 9, 2022 at which time the Commission considered Staff's recommendation to hold a public hearing.
5. MRFC has demonstrated an ongoing interest in development issues arising within the area of LUPC's jurisdiction in the Moosehead Lake Region by, among other activities:
 - intervening in the Plum Creek Concept Plan hearings held by the LUPC's predecessor agency during 2009, and the years immediately prior;
 - helping to organize the removal of many of the unorganized territories in the Moosehead Lake Region from the Expedited Wind Energy Development Permitting Area, pursuant to 35-A M.R.S. §3453-A;
 - informing citizens in the Moosehead Lake Region about a proposal submitted to the Massachusetts Department of Energy Resources in 2017 by NRG Renew, LLC to develop a grid-scale wind energy development on Misery Ridge, in the Moosehead Lake Region; and
 - being an active and ongoing participant in the LUPC's Moosehead Regional Planning Project.
6. On March 3, 2022, MRFC's board of directors authorized MRFC to petition LUPC to intervene in this proceeding by a vote of 7-0 (two absent).
7. An affidavit by Christopher A. King, the Secretary of MRFC, affirming under penalty of perjury the facts stated in this Petition, is attached to this Petition, and is incorporated by reference in it.
8. Therefore MRFC requests LUPC to grant it leave to intervene as a full party at the public hearing held in this proceeding.



Christopher A. King, Secretary
Moosehead Region Futures Committee

From: secretary@mooseheadregionfutures.com
To: [Kaczowski, Debra](#)
Cc: jmwld@aol.com; jchasse10@gmail.com; joe@lakeparlinlodge.com; captbill1948@gmail.com; bakajza.george@gmail.com; [Kay York Johnson](#); marcialeephillips@gmail.com; bigindianrwe@gmail.com
Subject: RE: Petition to Intervene in the matter of LUPC development Permit 3639F attached
Date: Thursday, May 12, 2022 8:05:57 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Kaczowski:

In paragraph number 2 in MRFC's Petition to Intervene, MRFC states specifically that its request is made, in part, pursuant to Maine Revised Statutes, Title 5, §9054 (2), which states:

“The agency **may**, by order, allow **any** other **interested** person to intervene and participate as a full or limited party to the proceeding.” Corporations are, now famously, “persons” in the eyes of the law, and MRFC's Petition attempted to demonstrate that it is interested in these proceedings, and the reasons for its interest.

Further, as it stated in its Petition, MRFC relies on the wording of 01-672 C.M.R. ch.5, §5.03 (A)(1) which grants the Commission or the Presiding Officer the **discretion** to “allow any person who desires to participate as a party, offer testimony and evidence, and participate in oral cross-examination, to file a petition under oath or affirmation for leave to intervene.” The petition **must** be granted only if the petitioner demonstrates that it “is or may be substantially and directly affected by the proceeding”.

To make it clear, it is MRFC's position that the Commission is not required by statute or rule to grant its petition. Rather we are requesting the Commission to use its discretion, which it is empowered to do, by statute and rule, to allow MRFC to intervene.

I look forward to receiving a favorable response to MRFC's Petition.

--Chris King, Secretary
Moosehead Region Futures Committee
207-695-4474