



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

May 24, 2024

Via Email

Timothy Downing
Timothypdowning@gmail.com

Re: Water Level Petition for North Pond
Smithfield, Mercer, and Rome, Maine
DEP File #L-30629-36-A-N

Dear Mr. Downing,

On December 7, 2023, the Department of Environmental Protection (Department) received a Water Level Petition (petition) for North Pond in the towns of Smithfield, Mercer, and Rome. The petition was filed by 58 littoral or riparian owners or entities along North Pond, representing more than 50.

The *Maine Dam Registration, Abandonment and Water Level Act* states that the Department's authority to establish a water level regime is limited to a "body of water impounded by any dam." 38 M.R.S. § 840(1). The statute defines "dam" as follows:

'Dam' means any human-made artificial barrier, including appurtenant works, the site on which it is located and appurtenant rights of flowage and access, that impounds or diverts a river, stream or great pond and that is 2 feet or more in height **and has an impounding capacity at maximum water storage elevation of 15 acre-feet or more.**

38 M.R.S. § 817(3) (emphasis added).

Based on information submitted by the petitioner, the Department finds that there is insufficient evidence submitted that North Pond dam within Great Meadow Stream meets the statutory definition of "dam." To ensure that North Pond dam within Great Meadow Stream meets the statutory definition of "dam" and that the Department has authority under the *Maine Dam Registration, Abandonment and Water Level Act* to hold a hearing or to issue a Water Level Order, please provide evidence of the height and impounding capacity of the dam.

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PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Please contact me by phone at (207)355-5307 or by email at Claire.Briggs@maine.gov if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Claire Briggs', is positioned above the typed name.

Claire Briggs
Hydropower Specialist
Bureau of Land Resources

From: [Katie Meikle](#)
To: [Briggs, Claire](#)
Subject: Re: North Pond Dam- Follow up
Date: Monday, June 24, 2024 3:21:18 PM
Attachments: [new NP logo.png](#)

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.

Hi Claire,

The dam is actually 31"6" wide. The bottom beam sits on concrete and is 13" high and the top beam is 12.5" high. So in fact the North Pond Dam is 25.5" in height. I've attached a few photos which will come in 2 separate emails. I have asked and not received a copy of the petition regarding the dam. Could you please send one to me?

Best, Katie Meikle

Photo 1

Provided to the Department by Timothy Downing via email on June 18, 2024



Photo 2

Provided to the Department by the North Pond Association via email on June 24, 2024



Photo 3

Provided to the Department by the North Pond Association via email on June 24, 2024



Photo 4

Provided to the Department by the North Pond Association via email on June 24, 2024





JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

July 11th, 2024

Via Email

Timothy Downing
Timothydowning@gmail.com

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Smithfield, Mercer, and Rome, Maine
DEP File #L-30629-36-A-N

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Based on information recorded by the Maine Emergency Management Agency, and evidence provided by the Applicant, the Department finds that the dam located in Great Meadow Stream meets the 38 M.R.S. § 840(1) definition of a dam.

Please contact me by phone at (207)355-5307 or by email at Claire.Briggs@maine.gov if you have questions.

Sincerely,

Claire Briggs

Claire Briggs
Hydropower Specialist
Bureau of Land Resources

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