



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

IN THE MATTER OF

TIMOTHY DOWNING,) REGULATION OF WATER LEVELS
SMITHFIELD, MERCER, ROME) AND MINIMUM FLOWS
KENNEBEC AND SOMERSET COUNTIES)
NORTH POND) FIFTH PROCEDURAL ORDER
L-30629-36-A-N)

As set forth in the First Procedural Order, the Maine Department of Environmental Protection (Department), pursuant to the *Maine Dam Registration, Abandonment, and Water Level Act*, 38 M.R.S. § 840(1), will be conducting an adjudicatory hearing (or, public hearing) regarding the establishment of a water level regime for North Pond in the Towns of Smithfield, Mercer and Rome. This proceeding is being initiated as a result of a petition filed with the Department by 58 littoral/riparian owners (petitioners) along North Pond. The 58 petitioners represent more than 50 littoral or riparian proprietors of North Pond. The water levels of North Pond are controlled by a dam at the outlet of North Pond on Great Meadow Stream, which flows to Great Pond. The dam is owned and operated by the North Pond Association, Inc. (dam owner).

On March 31, 2025, the presiding officer was in receipt of a request from Christine Keller to have Edith Cornwall act as her proxy during the April 14, 2025 hearing and to have a witness, Christine Keller, be substituted with another witness, Edith Cornwall, due to the potential unavailability of Christine Keller on April 14, 2025. This request was forwarded to all parties on March 31, 2025.

On April 3, 2025, the presiding officer was in receipt of a request from Laura Rose Day to have a witness, Lynn Geiger-Ortiz, be substituted with another witness, Stuart Cole, due to the potential unavailability of Lynn Geiger on April 14, 2025. This request was forwarded to all parties on April 3, 2025.

The presiding officer received no objections to either request and THEREBY GRANTS the requests described above with the condition that any testimony previously submitted for which the substitute witnesses are unable to reliably testify or be cross examined, will not be admitted as evidence in the record.

Pursuant to the Third Procedural Order, issued December 2, 2024, all parties were required to state in writing by April 4, 2025, the witnesses the parties intend to cross examine, the amount of time needed to cross examine the witnesses and the reason and general topic for cross examination. Based on submissions by the parties in this matter, the following witnesses, rebuttals and cross examinations will be scheduled for the April 14, 2025, 10:30 a.m. proceeding:

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
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

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Witnesses

For Petitioner:

Timothy Downing

Stephen Shoemaker

For Dam Owner:

Katie Meikle

Rick Watson

Don Schassberger

For Intervenor Christine Keller:

Edith Cornwall – Substitution for Christine Keller

For Intervenor Melvin Croft:

Melvin Croft

For Intervenor Edith Cornwall:

Edith Cornwall

Gordon Woods

For Intervenor Laura Rose Day:

Laura Rose Day

Dr Danielle Wain

Stuart Cole – Substitution for Lynn Geiger-Ortiz

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Rebuttal Testimony

Katie Meikle

Edith Cornwall

Cross Examination

Katie Meikle has provided notice that the following witnesses will be cross-examined:

Timothy Downing

Rick Watson

Dated: April 9, 2025

/s/ Ronald Mongeon

Ronald Mongeon, Presiding Officer