



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	)	THIRD 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 July 31, 2024, the Presiding Officer (or hearing officer) issued a Notice to interested persons that they could Petition for Leave to Intervene by August 30, 2024. The Department received 4 petitions to intervene. On September 25, 2024, the Presiding Officer issued the First Procedural Order, after which parties were given the opportunity to submit objections to the petitions to intervene and intervenors were given the opportunity to respond. No objections were received. On November 4, 2024, the Presiding Officer issued the Second Procedural Order. Since that time, necessary parties have requested that the hearing date be rescheduled due to unavailability. On November 12, 2024, the Presiding Officer sent a letter and email to all parties proposing additional dates to reschedule the hearing. The Presiding Officer set a date of November 27, 2024, for parties to respond on which, if any, of the dates the parties were available for.

In consideration of the responses provided, the Presiding Officer hereby amends the following deadlines and schedules.

**I. Deadlines and Schedule**

1. The public hearing will be held on **Monday, April 14, 2025**, at 10:30 A.M., at 90 Blossom Lane, Deering Building Augusta, ME, Conference Room 101. The public comment session of the public hearing will take place the evening of **Monday, April 14, 2025**, from 5:30 P.M. to 7:30 P.M., at the same location as the public hearing.

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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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2. All pre-filed testimony and exhibits must be filed by **Friday, January 24, 2025, at 5:00 P.M.**
3. At the time of submitting pre-filed testimony, each party must state in writing the amount of time in total requested for witnesses to briefly summarize their direct testimony. In doing so, the parties are reminded that all other parties and the Department will have received and reviewed the pre-filed testimony before the public hearing. Therefore, any direct testimony summary must be brief and tightly focused.
4. Any objections to pre-filed testimony or the overall validity of the petition must be filed by **Friday, February 21, 2025, at 5:00 P.M.**
5. The Presiding Officer will rule on objections to pre-filed testimony and exhibits by issuing a subsequent Procedural Order. The Presiding Officer will attempt to issue such Procedural Order before the deadline for submission of rebuttal testimony.
6. Rebuttal testimony must be filed by **Friday, March 21, 2025, at 5:00 P.M.**
7. **By Friday, April 4, 2025, at 5:00 P.M.** all parties must state in writing:
  - 1) the names of witnesses they intend to cross-examine;
  - 2) the amount of time requested for cross-examination of each such witness; and
  - 3) the reason and general topic for cross-examination.

Dated: December 2, 2024

/s/ Ronald Mongeon

Ronald Mongeon, Presiding Officer