

IN THE MATTER OF

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

North Pond Association Reply Brief in Response to Sixth Procedural Order
Submitted June 18, 2025

The North Pond Association is dedicated to the restoration and preservation of the water quality in North Pond and maintains that the current management of the NPA owned dam on Great Meadow Stream is being done to serve the diverse interests of all who rely on a healthy pond. Clearly, we face challenges with climate change introducing increasing water temperatures and more severe weather events that affect our water quality and the impact on the shoreline.

The NPA takes issue with several points in the Petitioner's Closing Brief.

1. There is no testimony that indicates the height of the 3rd beam ("flashboard") which is embedded in concrete at the stream floor is 12" above the streambed. The Petitioner's proposal for provisions outlined on page 7 including removing one of the mobile beams would certainly lower the water level without safeguards in place for periods of drought or limiting flow downstream should the pond become toxic.
2. The petitioners have emphasized that the NPA management of the pond has not been to the "historical" level of the pond. Evidence of this was an undated photograph of "Whale Rock" along the western side of the pond. On Saturday June 14th, the NPA and 7 Lakes Alliance conducted an Invasive Plant Paddle on North Pond. Two of the volunteer paddlers, Paul Marshall and Louise Proux, lifelong summer residents of North Pond verified that "Whale Rock" was in fact quite visible.(see Photo taken on June 14,2025 at 10:05 am) This is in spite of rainfall levels in the area estimated to be over 5 inches when the 30 year average is just over 3 inches.



3.The Petitioner sites one letter by Mr. Clyde as testimony of the negative impact of high water levels yet ignores the in person public testimony at the evening public hearing and the 25 letters written to Maine DEP in support of the NPA dam management or opposition to lower water levels.

In conclusion, the NPA maintains that current dam management balances the diverse interests of all who rely on a healthy North Pond, but remains open to Maine DEP engineers taking a science based approach to determining a feasible and reasonable minimum flow through the dam on Great Meadow Stream that provides for maintaining a minimum water level. Controls should be in place to account for high rainfall, drought, or compromised water quality that could present a risk to downstream water bodies.

Respectfully,

C Meikle

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I do hereby attest this submission in entirety and content thereof is true, accurate, and complete to the best of my knowledge.

Catherine Meikle

Signature

Catherine Meikle

Name

6/18/2025

Date

Maine Notary Acknowledgements

State of Maine

County of Somerset

The foregoing instrument was acknowledged before me the 6/18/2025
Date

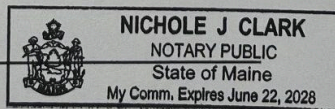
At Smithfield, Maine by Catherine Meikle
Name

To be his/her free act and deed.

Nichole J Clark

Notary Public Signature

Name



Notary Public, State of Maine

My commission expires _____

Date

