



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

MELANIE LOYZIM  
COMMISSIONER

July 31<sup>st</sup>, 2024

### Notice of Opportunity to Intervene

Pursuant to the *Maine Dam Registration, Abandonment, and Water Level Act*, 38 M.R.S. § 840(1), the Maine Department of Environmental Protection (Department) will be conducting an adjudicatory hearing (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 because of a petition filed with the Department by 58 littoral or riparian owners or entities along North Pond, representing more than 50.

The water levels of North Pond are controlled by the dam at the inlet of Mill Stream and a dam at the outlet of North Pond on Great Meadow Stream, which flows to Great Pond. The relevant statutory and regulatory criteria associated with a Water Level Order are: the *Maine Dam Registration, Abandonment, and Water Level Act*, 38 M.R.S. § 840; the Department's rule concerning *In-Stream Flows and Lake and Pond Water Levels*, 06-096 C.M.R. ch. 587; and the Department's *Rules Governing the Conduct of Licensing Hearings*, 06-096 C.M.R. ch. 3. Ron Mongeon was delegated by the Commissioner of the Department to be the Presiding Officer for purposes of carrying out the hearing on the matter. Notice of the hearing date, time, and location will be published at a later date in accordance with the requirements of the *Maine Administrative Procedure Act*, 5 M.R.S. §§ 9051-9064, and the Department's *Rules Governing the Conduct of Licensing Hearings*, 06-096 C.M.R. ch. 3.

At this time, any person desiring to participate as a party to the proceeding must file a written petition for leave to intervene. The petition must identify the petitioner and include: a description of the effect of the proposed activity on the petitioner; specific contentions regarding the subject matter of the hearing and the relevant statutory criteria; the name of the spokesperson for the petitioner; and a statement regarding the ability of the petitioner to participate in the proceeding. If the petitioner is a group or organization, the petition shall include a general description of the purpose and membership of the group or organization. A petition shall be granted if it demonstrates that the petitioner is or may be, or is a member of a class which is or may be, substantially and directly affected by the proceeding, or that the petitioner is any other agency of federal, state, or local government.

Persons granted intervenor status will have the right to offer testimony and evidence, participate in cross-examination of other parties, and will have the responsibility to attend pre-hearing conferences and abide by all procedural orders. Intervenors will likely be required to file all testimony prior to the hearing for review by the Department, the petitioners, dam owner and other intervenors in advance of the hearing in preparation for cross-examination.

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

Pursuant to 38 M.R.S. § 840(4), testimony at the hearing is limited specifically to the water levels of North Pond which are necessary to: maintain public access and use of the water for navigation, fishing, fowling, recreation and other lawful uses; protect the safety of shoreline residents and the public; maintain fish and wildlife habitat, water quality and public and private water supplies; prevent the excessive erosion of shorelines; accommodate precipitation and run-off of waters; support ongoing use of the dam to generate or to enhance the downstream generation of hydroelectric or hydromechanical power; and provide flows from the dam to maintain public access and use, fish propagation and fish passage facilities, fish and wildlife habitat and water quality downstream.

Members of the public who wish to provide comments to the Department about the petition to establish a water level regime for North Pond do not need to petition to intervene. A portion of the hearing will be reserved for the purpose of receiving comments from the general public. The Department will also receive written comments from the public. Members of the public who wish to receive notices related to the hearing may ask to be put on an “interested persons” list, without the need to intervene.

Written petitions for leave to intervene must be received by the Department **on or before Friday, August 30<sup>th</sup>, 2024 at 5:00 p.m.** Petitions should be directed to:

- By mail – Ron Mongeon, Presiding Officer  
Maine Department of Environmental Protection  
106 Hogan Road  
Bangor, ME 04401
- Electronically – [Ronald.Mongeon@Maine.gov](mailto:Ronald.Mongeon@Maine.gov)

Documents submitted to the Department shall meet form, service, and filing of documents requirements detailed in the Department’s *Rules Governing the Conduct of Licensing Hearings*, 06-096 C.M.R. ch. 3, § 3. Petitions for leave to intervene shall be typewritten or printed on white opaque paper 8 ½ by 11 inches in size. The final page shall be dated and signed. Electronic filings with attachments must be supplied in an unalterable format showing a handwritten or electronic signature acceptable to the Department, only if followed by receipt of an identical original document within five working days. Filing with the Department is complete when the Department receives the submission by the close of business on the due date, as set forth above.

Questions regarding petitions to intervene may be directed to Laura Paye at the Maine Department of Environmental Protection, at [Laura.Paye@Maine.gov](mailto:Laura.Paye@Maine.gov), or at (207) 219-9563.