



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

April 20, 2023

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 Camden Mill Pond in the Town of Camden. This proceeding is being initiated because of a petition filed with the Department by 13 of the 14 total number of littoral or riparian owners or entities along Camden Mill Pond. The 13 petitioners represent more than 25% of the total number of littoral or riparian proprietors of Camden Mill Pond. The water levels of Camden Mill Pond are controlled by the Montgomery Dam, which is owned and operated by the Town of Camden. 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. Marybeth Richardson 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.

Pursuant to 38 M.R.S. § 840(4), testimony at the hearing is limited specifically to the water levels of Camden Mill Pond which are necessary to: maintain public access and use of the water

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

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 Camden Mill 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, May 20, 2023 at 5:00 p.m.** Petitions should be directed to:

- By mail – Marybeth Richardson, Presiding Officer
Maine Department of Environmental Protection
312 Canco Road
Portland, ME 04103
- Electronically – Marybeth.Richardson@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 Kyle Olcott at the Maine Department of Environmental Protection, at Kyle.Olcott@maine.gov, or at (207) 641-9012.