



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

June 7, 2023

Via Email

Sara Eastler, Spokesperson
Montgomery Dam Petitioners
sara.eastler@gmail.com

Re: Water Level Petition for Camden Mill Pond
Camden, Maine
DEP File #L-30167-36-A-N

Dear Ms. Eastler,

On December 7, 2022, the Department of Environmental Protection (Department) received a Water Level Petition (petition) for the Camden Mill Pond in Camden, Maine. The petition was filed by 13 of the 14 littoral or riparian owners or entities along Camden Mill Pond, representing more than 25% of the total number. On March 16, 2023, Commissioner Loyzim provided notification that a public hearing would be held on the petition, and that she had designated Marybeth Richardson as the Hearing Officer. On April 19, 2023, the Department published a Notice of Opportunity to Intervene, soliciting intervenors and setting a deadline of May 20, 2023, to respond. In response, the Department received four timely requests to intervene from Anthony Grassi, the Megunticook Watershed Association, the Town of Camden, and Restore Megunticook.

The *Maine Dam Registration, Abandonment and Water Level Act* states that the Department's authority to establish a water level regime is limited to a "body of water impounded by any dam." 38 M.R.S. § 840(1). The statute defines "dam" as follows:

'Dam' means any human-made artificial barrier, including appurtenant works, the site on which it is located and appurtenant rights of flowage and access, that impounds or diverts a river, stream or great pond and that is 2 feet or more in height **and has an impounding capacity at maximum water storage elevation of 15 acre-feet or more.**

38 M.R.S. § 817(3) (emphasis added).

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

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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

The petitioners have submitted to the Department a *Feasibility/Alternatives Analysis Report* that was prepared in 2019 for the Town of Camden by Inter-fluve, Inc. and Gartley & Dorsky Engineering. This report includes a December 12, 2018 *Structural Conditions Assessment* that describes the Montgomery Dam's impounding capacity as 10 acre-feet¹ of water.²

Based on this information submitted by the petitioners, the Department finds that Montgomery Dam impounds 10 acre-feet of water and does not meet the statutory definition of "dam." The Department therefore finds that it does not have authority under the *Maine Dam Registration, Abandonment and Water Level Act* to hold a hearing or to issue any Water Level Order for Montgomery Dam.

If you disagree with the Department's findings regarding the impounding capacity of Montgomery Dam and the Department's authority in this matter, please respond within 60 days, by August 7, 2023. If you do not respond, or if your response does not provide information that would alter the Department's findings, the Department will close this matter and return your application fees.

Please contact me by phone at (207) 641-9012 or by email at Kyle.Olcott@maine.gov if you have questions.

Sincerely,



Kyle Olcott
Hydropower Coordinator
Bureau of Land Resources

CC: Interested Parties List

¹ An acre-foot is the volume of water that would cover one acre to a depth of one foot, approximately 325,853 gallons.

² *Montgomery Dam Structural Conditions Assessment*, page 3 of 14 (begins on page 94 of 116 of the Inter-fluve report)