

TOWN OF LINCOLN, MAINE

PUBLIC HEARING

IN RE: Upper Cold Stream Ponds
Water Level Hearing

Lincoln Town Office and Zoom
29 Main Street
Lincoln, Maine
February 22, 2021
6:00 p.m.

PRESENTED VIA ZOOM BY:

Alfred Nash, Renewable Energy Resources, Engineer
Roger Huber, Esq.

MEMBERS OF THE LINCOLN TOWN COUNCIL:

George Edwards, Council Chair/Hearing Officer
Cathy Moison, Councilor
Jared McCarthy, Councilor
Stephen Clay, Councilor
John Trask, Councilor
Marscella Ireland, Councilor
Jeff Gifford, Councilor (via Zoom)

ALSO PRESENT FOR THE TOWN OF LINCOLN:

Andrew Hamilton, Esq.
Rick Bronson, Town Manager
Ann Morrison, Town Clerk

TRANSCRIPT OF PROCEEDINGS

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COUNCIL CHAIR EDWARDS: All right. I'd like to thank everyone for coming to the Cold Stream Ponds water level hearing. I'm just going to read a quick outline for the evening. The hearing outline for the February 22nd hearing is as follows: Item 1 is the notice. Part A, published in the Lincoln News February 4th and 11th; Post B, posted at the town office; Part C, mailed to direct abutter, Mr. Garvey.

Item 2, conduct of the hearing. The council chair, myself, is the hearing officer. Part A, the public hearing is adjudicatory. A statement is to be read by the council chair, and the statement is as follows: This public hearing will be adjudicatory in nature. Specifically, notice had been given in the newspaper of the hearing. Affected persons will be given the opportunity to be heard. Evidence will be gathered through the direct testimony, including public witness statements. The public hearing will be closed. The town council will deliberate, and

1 an adjudication of the appropriate water
2 levels will be made by the town council
3 sitting as a single tribunal to determine the
4 water levels. The council chair will sit as
5 the hearing officer to facilitate the conduct
6 of the hearing. Please address all comments
7 to him. And all participants should be
8 mindful of not talking over one another and
9 not to interrupt anyone.

10 The public participation is welcome,
11 either in writing, in person, or remote
12 participation by Zoom. After presentation of
13 the base case by Attorney Roger Huber and
14 Engineer Al Nash, the witness statements are
15 received by the Town in accordance with all
16 the public hearing notices, either read into
17 the record or the public witnesses wishing to
18 testify will present their statements or
19 questions. All evidence will be reviewed
20 during deliberations.

21 Back to Part 2, Item B, presentation by
22 Roger -- Attorney Huber and Engineer Al Nash
23 to present the base case for target lake
24 levels and minimum stream flows; Part C,
25 questions from the hearing officer and council

1 through the hearing office and then public
2 witness; Part D, public witness statements;
3 Part E, questions from Attorney Huber or
4 Mr. Nash; Part F, questions from the hearing
5 officer and the council through the hearing
6 officer; Part G, response from Mr. Huber and
7 Mr. Nash; Part H, any further questions of the
8 hearing officer and the council through the
9 hearing -- any further questions of the
10 hearing officer and council through the
11 hearing officer; Item I, close public hearing;
12 Item J, deliberations; and Item K, reserve for
13 findings and conclusions to be adopted at the
14 March meeting.

15 And Item 3, this is the presentation
16 portion of the hearing, evidence Sections 4A
17 through H of the ordinance. We ask that any
18 public witnesses who want to appear at the
19 hearing sign up or raise their hand in Zoom.

20 MR. HAMILTON: Can we pause now on that
21 and just get those folks who may want to
22 testify signed into Zoom? It looks like
23 somebody is trying to sign in now.

24 COUNCIL CHAIR EDWARDS: I believe that's
25 Councilor Gifford.

1 TOWN MANAGER BRONSON: As of now, no
2 folks have arrived in the front lobby.

3 COUNCIL CHAIR EDWARDS: Jeff, could you
4 mute your audio?

5 COUNCILOR GIFFORD: Good evening. Hello?

6 COUNCIL CHAIR EDWARDS: Can you mute your
7 audio?

8 COUNCILOR GIFFORD: Yes.

9 COUNCIL CHAIR EDWARDS: Thank you.

10 MR. HAMILTON: So we'll be dynamically
11 looking to get an indication of the witnesses
12 who want to testify.

13 COUNCIL CHAIR EDWARDS: All right. We'll
14 move onto Item B. We'll turn the presentation
15 over to Roger Huber to start the presentation
16 of the base case.

17 MR. HUBER: Thank you, Mr. Chair. Good
18 evening. We've got some feedback on our end,
19 and I'm going to -- all right.

20 Good evening. My name's Roger Huber. I
21 am a land-use and municipal attorney with
22 Farrell, Rosenblatt & Russell here in Bangor.
23 I join you this evening with, socially
24 distanced from me, Alfred Nash. Mr. Nash is a
25 professional engineer and a principal with

1 Renewable Power Consulting located in Palmyra.
2 Mr. Nash has 30 years experience with dams,
3 fish passages, and regulatory permitting.

4 We thank you, the town council, and the
5 people of Lincoln for the opportunity to
6 participate in this important proceeding.

7 I know we are -- I can tell that we've
8 got 16 outside participants on Zoom. I see we
9 are live on Facebook. So I'm not -- I know
10 that many of you are aware of how we got to
11 where we are today, but some of you may not
12 be. So before we get underway, I'd like to
13 provide a little bit of context for tonight's
14 presentation.

15 Water levels and flows on many lakes,
16 ponds, and streams in Maine, and here in
17 Lincoln, are controlled by dams. And in many
18 cases, it's the Maine Department of
19 Environmental Protection that establishes the
20 water-level regimes and the minimum flow
21 requirements based on a set of state statutory
22 criteria, which I'm going to go over in just a
23 moment.

24 Maine law provides, however, that a
25 municipality may adopt an ordinance to

1 regulate water-level regimes and water flows
2 of (indiscernible) water bodies that are
3 located primarily within its corporate
4 boundaries. The law requires that such
5 ordinance be approved by the DEP and that it
6 (indiscernible) exact same statutory criteria
7 that the DEP would apply in a similar hearing.

8 Once the DEP approves of a municipality's
9 ordinance, all the powers and the duties of
10 the DEP with regard to the regulation of the
11 water levels are vested in the municipality.
12 The Town of Lincoln took the initiative and
13 adopted the Lincoln Lakes Water Level
14 Ordinance in September of 2020. This was
15 approved by the DEP, and that ordinance
16 contains the exact same statutory criteria
17 that the DEP would (indiscernible) in a
18 similar proceeding. Our compliments to the
19 Town of Lincoln for going through the effort
20 necessary to secure local control over its
21 water bodies.

22 Based on the Town ordinance and state
23 law, the town council is required to gather
24 evidence and consider that evidence on water
25 flows necessary to address eight criteria; and

1 I'm going to go through those quickly.

2 The first, the water level and flow
3 necessary to maintain public access to and use
4 of the water are for navigation, fishing,
5 fowling, recreation, and other lawful public
6 uses; B, to protect the safety of the littoral
7 or riparian proprietors and the public; C, to
8 maintain fish and wildlife habitat and water
9 quality; D, to prevent the excessive erosion
10 of shorelines; E, to accommodate precipitation
11 and runoff of waters; F, to maintain public
12 and private water supplies; G, to maintain any
13 existing use of the dam power generation; and
14 H, to provide flows from any dam on the
15 Lincoln Lakes to maintain public access and
16 use, fish propagation and fish-passage
17 facilities, fish and wildlife habitat, and
18 water quality downstream of a body of water.
19 Those are the Criteria A through H, and those
20 are the sole criteria that the town council
21 must apply when regulating water-level regimes
22 and water-flow requirements.

23 Mr. Nash's presentation this evening
24 tracks those specific criteria. And, in fact,
25 if you want to follow, and I hope you do, you

1 can simply turn to the criteria listed as A
2 through H on page 3 of the Town's ordinance.

3 A few final observations before I turn
4 things over to Mr. Nash. One, tonight's
5 presentation only applies to the Upper Cold
6 Stream Pond watershed. The two other
7 watersheds in Lincoln will be considered at
8 subsequent hearings. So consequently, our
9 comments this evening are strictly limited to
10 the Upper Cold Stream Pond watershed.

11 Two, the dam's condition and design are
12 not part of the review criteria; so they were
13 not reviewed as part of this exercise. Mr.
14 Nash's analysis is based on the requirement to
15 consider both public and private interests
16 without considering for the costs or
17 alternative means of maintaining the current
18 function of that existing dam.

19 Third, and perhaps most importantly,
20 neither Mr. Nash or myself have a vested
21 interest in the outcome of this proceeding.
22 We have no agenda. Regretfully, neither of us
23 own property in Lincoln, much less, waterfront
24 property in Lincoln. Mr. Nash was retained
25 and has been asked to simply apply his

1 experience, his training, and his best
2 professional judgment in applying the A
3 through H criteria to arrive at a water target
4 level for the period between mid-April and
5 October, the so-called recreational season,
6 and from October through mid-April, the
7 so-called winter season. Mr. Nash was not
8 given target levels to shoot for, but, rather,
9 only the criteria to apply in arriving at
10 those target levels.

11 Finally, we have a fair bit of evidence
12 to present tonight. As I said, it tracks
13 nicely the criteria. I think we all know that
14 Zoom is not the ideal means for presenting
15 evidence, so it might be helpful -- and I
16 guess I would ask that Mr. Nash be allowed to
17 proceed through his presentation addressing
18 each of those criteria before any questions
19 are asked. His presentation is thorough and
20 incredibly structured, and our hope is that he
21 will answer most questions by the time that he
22 gets to the -- by the time he gets to the end
23 of it.

24 So with all that said, I would like to
25 turn the show over to Mr. Nash. I would ask

1 first that he introduce himself, provide a
2 brief summary of his experience and his
3 qualifications, and then launch directly into
4 his presentation.

5 MR. NASH: Thank you, Roger. As Roger
6 mentioned, my name is Al Nash. I work for
7 Renewable Power Consulting. We are based in
8 Palmyra, Maine. We almost exclusively deal
9 with fish-passage dams, and regulatory water
10 levels, minimum flow releases, things of that
11 nature. I've been in the business for over 30
12 years. Prior to that, I was in the
13 construction field actually helping to build
14 dams. And so we use that information, past
15 experiences, and all the other experiences
16 we've had throughout the years.

17 I am Federal Energy Regulatory Commission
18 approved independent consultant, and what that
19 means is that I have over ten years of
20 qualified design and inspection regarding
21 dams, and when we do those inspections, we
22 look at the public safety, the operations and
23 maintenance of the dam, the structural
24 capacity of the dam, all these things that
25 come into play to make sure that the dam will

1 function in the manner it's supposed to. So
2 all those pieces come into play as we look at
3 the water levels for this particular site.

4 While we have a detailed technical report
5 that we'll provide the council with this
6 evening, we did prepare a PowerPoint just to
7 go through, in a kind of summary fashion, the
8 various items, things that we looked at and
9 items that we needed to discuss or be educated
10 about. So I'm going to share my screen.
11 Hopefully, it will come across and we can go
12 through some of these slides that, hopefully,
13 will present the information in a precise way.

14 (A PowerPoint presentation by Al Nash
15 began.)

16 Hopefully, everyone can see that. This
17 is, as we have now -- as Roger mentioned,
18 we're here for the Cold Stream Pond, and as
19 soon as I get things to work -- so today's
20 meeting, or tonight's meeting, we want to
21 review the existing uses of the dam and the
22 associated pond and then also review the
23 criteria and the information that's available
24 that we used to suggest the various water
25 levels and flows that the dam (inaudible,

1 audio interference). And one of the things we
2 are aware of that has, in the past, been a
3 concern for the Town and residents are the
4 minimum flow releases from the dam. So we
5 want to go a little bit into detail with that
6 just so everyone is understanding what those
7 are for and what kind of impact they may have.

8 As far as the current use of the pond,
9 what we understand is that mainly it's used
10 right now for recreational opportunities.
11 Whether it's ice fishing or boating or
12 angling, it's pretty much exclusively used for
13 that. There is also a couple of dry hydrants
14 on both Big Narrows and Little Narrows that
15 are used for fire-suppression activities,
16 which are also important to keep. That helps
17 with some of your insurance rates.

18 Right now, for our discussion tonight,
19 we're going to use the datum that was
20 established when the dam was rebuilt in 2015.
21 So on the lower left-hand photograph, there's
22 a shot of the overflow spillway. That
23 concrete crest elevation is 100. And so
24 everything from -- is using that as our base
25 elevation. Right now, during the summertime

1 period, there's board that goes in. If you
2 look at that lower photo again, you'll see a
3 couple of rods sticking up with some orange
4 caps. Those are little pieces of rebar, and a
5 board goes in; and the pond is basically held
6 back by that board to keep it up around about
7 four inches off that crest.

8 During the winter season, that board is
9 removed and is actually lowered, as you can
10 see on the right-hand side, eight inches below
11 is normal. These water levels, we understand,
12 were set by experience from the dam operators
13 and residents on the pond. And that was kind
14 of our base that we began our deliberations
15 with.

16 As Roger mentioned, tonight's evidence is
17 to support a water-level order, and that order
18 has to abide by, or at least consider, the
19 eight criteria that Roger mentioned in
20 ordinances. And that's what we're going to go
21 through. We're going to go through each
22 ordinance criteria individually as though it's
23 in a vacuum. And so that's the only criteria
24 we have to think about. We don't have to
25 think about all the other criteria that are

1 there. So as we go through, what we'll do is
2 we'll establish a water level for that
3 particular criteria. Then we'll go to the
4 next one and set the water level for that and
5 so on. And in the end, we'll seek to see
6 where all these water levels come and what
7 kind of conflict we may have and what kind of
8 compromise we may need to make in order to
9 satisfy the ordinance requirements.

10 The first one we're going to talk about
11 is the public access, which Roger had
12 mentioned is the water levels necessary to
13 maintain the public rights of access to and
14 use of the water for navigation, fishing,
15 fowling, recreation, and other lawful public
16 uses.

17 Right now, this particular pond has a
18 relatively shallow sloped shorelines, and my
19 understanding is that most, if not all, of the
20 area is privately owned, though there is a
21 public boat launch. Locally, everyone knows
22 this, Big and Little Narrow Ponds, they are
23 separated by a roadway which has a culvert
24 which connects the two ponds hydraulically.
25 So anything that happens in Big Narrows also

1 happens in Little Narrows.

2 One of the things that we are also aware
3 is that a reduction of the water levels that
4 you're used to seeing in the summer, exposes
5 boats to being hung up on other submerged
6 obstacles, and people have actually indicated
7 that in the past when water levels were
8 reduced unexpectedly, their boats were
9 actually hung up and they had to wait for a
10 rain event in order for the boat to be able to
11 get off its -- whatever it was stuck on. So
12 one of the things as far as public access goes
13 and usage, we need to keep in mind that we
14 want to avoid those kind of situations.

15 Now, the other side of that is increasing
16 the water levels. Well, obviously, that would
17 increase the depth over any kind of submerged
18 obstacles that are there. The problem with
19 this particular site is that we have very
20 limited ability to (indiscernible) on, because
21 what happens is if we raise it too high, we
22 run the risk of overtopping the dam dike,
23 which could cause a breach and other erosion.

24 So when we kind of mull this together, we
25 realize that reducing the water level from

1 historic levels is not really all that
2 attractive. Increasing it may be attractive,
3 but not likely feasible. So what we concluded
4 was that we should maintain the water level as
5 it has historically been kept, around the four
6 inches above.

7 The next piece -- again, we're looking
8 at -- in this next piece, we're talking about
9 shoreline probation, which the water levels
10 necessary to protect the littoral and riparian
11 proprietors and the public. This is an access
12 we want to make sure whatever water levels we
13 have do not prohibit the use of the shoreline,
14 or sometimes, river lines. In your particular
15 case, we're talking about Smelt Brook and the
16 two ponds, Big Narrows and Little Narrows, I
17 should say, the one pond.

18 So just as we discussed in Criteria A,
19 the water levels impact the ability to get use
20 of the pond and the ability to use the
21 shorelines. So what we concluded -- and
22 again, I realize this is very quick and brief,
23 but the report goes into more detail. But
24 this basically says that whatever we're going
25 to use for the public criteria is what we

1 should consider this criteria also.

2 The next criteria we looked at was the
3 fish and wildlife habitat water quality. The
4 water levels and minimum flow requirements
5 necessary for the maintenance of fish and
6 wildlife habitat and water quality. This is
7 one of the areas which I think there is some
8 confusion on. As Roger mentioned, every dam
9 is required to release some flow into the
10 downstream waters, in this case, Smelt Brook.
11 That flow release is to protect these little
12 organisms and the fishes and vegetation that
13 require water to maintain their growth and
14 basically their livelihood. It's not really
15 associated with Cold Stream Pond. I know some
16 of you might have been concerned about that.
17 This water quality or this minimum flow
18 release is strictly in regards to Smelt Brook
19 itself. Although Cold Stream Pond gets a
20 little benefit from it, it's really the Smelt
21 Brook.

22 And so when we start talking about water
23 quality and minimum flow, we have to look at
24 what kind of inflows are we getting into the
25 lake. And what we did -- the USGS has a

1 system called StreamStats that you can go on,
2 anybody can go on, and click on a particular
3 area, and it will tell you the statical flows
4 that you might have at that site. And so
5 we're using that publicly-available
6 information. And what this little table here
7 shows you is kind of the mean, the general
8 flow that you're going to see at that site for
9 each month of the year. And as was
10 expected -- if you look at it in August, you
11 see it is the lowest inflow. That means the
12 amount of water coming into the pond is about
13 1.8 cubic feet per second. As you can see in
14 May, it jumps all the way up to 40. So that's
15 when we're coming into May, but very little
16 water available in August.

17 So when -- the DEP and the Inland Fish &
18 Wildlife actually went out to Smelt Brook, and
19 they conducted a habitat review for this
20 particular area of this dam. After that, my
21 understanding is they met with the Town -- the
22 DEP and Inland Fish & Wildlife -- and at that
23 time, some representatives of the Pond
24 Association, and they agreed to a minimum flow
25 release 1.12 cfs. It sounds a little precise,

1 but that's what they had agreed to.

2 What we notice in the previous slide is
3 that, actually, the inflow is a little more at
4 that point, which would mean that you should
5 have enough flow at all times to provide that.
6 Right now, that flow is released through a
7 slotted plate installed in the stop-log
8 section of the dam. What's nice about that is
9 that that plot is above the sill, and so when
10 the water comes, it actually cascades down
11 into the brook; and that is great for water
12 quality because it entraps air into the water,
13 which are useful for fish, because it's all
14 oxygen. And whatever you do, you should
15 always try to maintain that.

16 These flows have really a somewhat
17 insignificant impact to the water level during
18 a typical dry season we see in August.
19 There's always that unique one, though. Right
20 now, the way things are set up, that we
21 understand, is that your releasing, during the
22 summertime, almost 2 cfs; and in the winter
23 season, that's more the minimum -- the mean
24 flow that we talked about, the 1.8.

25 So even if -- what happens sometimes,

1 though, during the season, as everyone knows,
2 each year, precipitation, snow melt, all those
3 things are variable. Nothing is constant. So
4 one of the statistics that we look at what is
5 statistically, what is the flow, inflow that
6 comes into the pond during a really dry
7 seven-day period. And that tells us that it's
8 about .2 cfs, about 10 gallons per minute.

9 If there was no other event happening
10 over that seven-day period, you'd lose about a
11 half an inch of water -- half an inch of pond
12 level, I'm sorry. And so that is an impact
13 during the real dry season. So we looked at,
14 can we increase the water levels? Okay, the
15 problem is, is that water quality -- one of
16 the items that you need to consider is,
17 although it's a whole other criteria about
18 erosion -- but water quality is impacted by
19 when you flood out a grassed area or a tree or
20 shrub. It's removed because the soil is
21 saturated; and then it releases dirt and other
22 organisms into the waterway and winds up
23 decreasing the water quality. And so
24 increasing that, the existing water levels
25 could actually hurt the water quality.

1 Likewise, if we were to reduce the
2 historic levels, now we're exposing,
3 basically, soils that are immediately below
4 right now that are not protected by
5 vegetation. So again, if something happens --
6 even traffic can stir it up, and that would go
7 into the water and reduce the water quality.

8 For these reasons, what we're saying is
9 that the target elevation should really remain
10 the same, that you've been having this
11 historic four inches above the crest, and that
12 the existing midflow releases should be
13 maintained throughout the year. This will
14 satisfy water quality, both upstream and
15 downstream of the project, which is required
16 by the ordinance, and also maintain the health
17 of the aquatic species downstream of the dam.
18 With the technical report, you can see it in a
19 little more detail; but in essence, this
20 release, generally speaking, will not impact
21 your ability to maintain the water levels.

22 The next one we have to talk about is
23 erosion. These are water levels necessary to
24 prevent excessive erosion of shorelines. This
25 goes back a little bit to the water quality

1 issues I just mentioned, that when we have
2 areas that suddenly haven't been in the past
3 submerged, they become waterlogged, so they
4 could settle out and cause vegetation to be
5 removed into the waterway and could expose
6 soils, all those things which are negative
7 impacts of water quality.

8 Those shorelines and the downstream banks
9 are subject to when we have high wind and a
10 lot of wave action or boat action or even ice
11 movement. Right now, your existing shorelines
12 are used to the water levels that you've been
13 historically putting in or maintaining. That
14 is a very beneficial usage, because now the
15 vegetation is established. It's not going to
16 easily be dislodged. So by maintaining the
17 existing water levels, we've shown that you've
18 shown that the shoreline has functioned
19 several seasons over both winter and summer
20 all these various environments that could lead
21 to erosion. So in this application, the
22 conclusion is that maintaining your historic
23 water levels is the best course of action
24 because it doesn't expose any new soil line,
25 any new ways in which erosion could occur.

1 Now, we go to the next one, which is the
2 flooding, which is another big item. These
3 are the water levels necessary to accommodate
4 precipitation and runoff waters. Everyone is
5 aware that during the spring, you have a lot
6 of flow. We have snow melt that suddenly
7 comes in. The ground is frozen perhaps still,
8 and the snow is starting to melt; and so it
9 doesn't go into the soil. Instead, it goes in
10 and runs across the surfaces and into your
11 waterways. This is part of the reason why,
12 historically, the dam has been operated to
13 remove the top portion of the Lake to
14 accommodate this.

15 When we look at the statical -- when we
16 look at the flood flows of the site, they
17 vary. You know, every year -- you know, from
18 37 up to the 100-year flood level, or the
19 so-called 100-year flood level, it's almost
20 400 cfs. Now, the 100-year flood level needs
21 to be understood that just because it's a
22 100-year recurrence, doesn't mean it only
23 happens once every 100 years. It's just
24 statistically, that's what they assumed the
25 flow amount coming into the pond would be.

1 These are all flows coming into the pond
2 trying to fill up the pond, and the 100-year
3 magical number is important for flood
4 insurances. Normally, when you get flood
5 insurance or have to consider flood insurance,
6 it's whatever the level will be during the
7 100-year flood level for insurance rates and
8 things of that nature.

9 Right now, as we just noticed in the past
10 chart, you know, the 100-year flood levels are
11 around 400. The existing dam has around 235
12 capacity to pass that much flow, which is
13 equivalent to about the 10-year flood flow.
14 To accomplish this, you have to remove all
15 your boards and water is just going right
16 through to the site.

17 One of the problems we have at this
18 particular site, as you'll notice in the
19 photo, is that just upstream of the dam
20 there's an old causeway with a breach in it.
21 This somewhat limits the amount of flow that
22 can come into and through the site and into a
23 dam. There's also, upstream, reported a
24 submerged kind of rock pile, which also
25 prevents the ability for a lot of water to

1 come through, pass or through those things, so
2 we have to go over them.

3 The problem with not having enough
4 capacity to pass that flow is that it's going
5 to raise your pond level, and what happens
6 when we raise our pond level, in this
7 particular case, we can overtop the dike. In
8 this case, it's about 14 inches of
9 overtopping. The dikes associated with the
10 dam are grassed. They're not really paved or
11 rock lined or anything of that nature, so they
12 are susceptible to erosion.

13 So if we overtop those dikes, it could
14 very easily breach it, as you've seen down at
15 Haskell Lumber dam. It could breach the dike,
16 cause a whole lot of water quality debris into
17 the river, a lot of issues, loss to the pond
18 and everything else. So trying to avoid
19 overtopping is a major criteria that we need
20 to consider. And as I mentioned, the rock
21 pile upstream pretty much limits how low we
22 can pull the pond. Right now, it's about 13
23 to 14 inches that we could pull the pond from
24 the summertime level. And the purpose of
25 dropping the pond is basically to create a

1 bathtub so that when all the flow comes in, it
2 has someplace to build up and fill up, rather
3 than try to just all pass at once.

4 So when -- right now, your historic level
5 of dropping around 8 inches, it gives you have
6 about 36 hours of storage capacity, meaning
7 that when that big snow melt happens and
8 everything else is going on, you're getting
9 this magical 100-year flood, it's filling up
10 that pond very rapidly, and in a little over a
11 day, it's going to wind up filling it up and
12 then trying to go through the dam.

13 So what we looked at was, well, how low
14 can we go to help expand that time. Because
15 your base is fairly small, the dam impact area
16 is fairly small, so if we could actually
17 stretch out that pond a little bit, it might
18 give enough time for the flow to actually pass
19 through. It's not like the 100-year flood is
20 going to last for months. It's usually a
21 fairly quick event. So what we're trying to
22 do is create enough bathtub volume that when
23 this flow comes in, we're not going to breach
24 the dam.

25 And so we looked reducing the pond about

1 12 inches, and while it doesn't give us the
2 magical bullet, it does increase our ability
3 to let those flows pass to a little over two
4 days. It doesn't seem like much. Those few
5 hours could be a big difference in trying to
6 the breach the dam and overtop the dikes.

7 And so for this reason, we are suggesting
8 a target level that's a little lower than what
9 you have historically. We're trying to get a
10 little bit more volume in there that that
11 flood flow can come into without overtopping
12 it.

13 The next criteria is water supply. These
14 are the water levels to maintain public and
15 private water supplies. At this point, this
16 dam has two dry hydrants that are used for
17 fire suppression. We are not aware of -- you
18 know, that little bit of change that occurs
19 really won't affect or should not affect any
20 real well waters in the area.

21 Reducing the water levels doesn't really
22 impact those wells. It has a limited, small
23 impact on your fire suppression potentially;
24 because what happens is that when the fire
25 pumper is, is there -- and, of course, this is

1 during the dry time, typically, you're going
2 to be trying to get as much water out of that
3 dry hydrant as possible. And if we have too
4 low of water over the inlet for the dry
5 hydrant, it create vortex like you might see
6 in your bathtub. When you're draining it out,
7 there's a little hole in the surface of the
8 water. Well, that's air getting into your
9 discharge. That air decreases the amount of
10 pumping action that your fire truck can do,
11 so, therefore, increases the time to fill up
12 the pump -- fill up truck.

13 Well, again, while these are somewhat
14 insignificant, it's still something to
15 consider. So higher water level is better for
16 fire suppression for well water, but, again,
17 in this particular site, we really can't do
18 anything because we have very little ability
19 to raise the pond without overtopping the
20 dike. So what we concluded is that we should
21 maintain, again, the pond at the highest level
22 possible, which the summer level, throughout
23 the year, if possible.

24 The criteria, power generation. This is
25 the water levels and flows necessary for any

1 ongoing use of the dam to generate or to
2 enhance the downstream generation of
3 hydroelectric or hydromechanical power. Right
4 now, there are no generation facilities at the
5 site. We took a cursory glance, and with the
6 small amount of flow, the little bit head,
7 it's very unlikely that any kind of generation
8 is economically feasible. So for that reason,
9 the criteria doesn't apply to your dam. At
10 least under current conditions, if something
11 should change, then maybe you need to relook
12 at it. But, generally, because there's no
13 requirements for this, no need for this at the
14 current, we're saying that the other criteria
15 we've already talked about should be the
16 driving factors and not this one.

17 Finally, we have the downstream areas,
18 the water levels necessary to provide flows
19 for any dam on the pond to maintain public
20 access and use, fish populations and fish
21 passage facilities, fish and wildlife habitat,
22 and water quality downstream of the body of
23 water. This criteria generally applies when
24 you have a (indiscernible) and that perhaps
25 has white-water rafting opportunities or a

1 boat launch that perhaps if you didn't have
2 enough flow in the water, you wouldn't be able
3 to use or it's too shallow for canoes or
4 boats. This is not your situation here.

5 So in this particular case, it doesn't
6 matter what you do to your pond. All the
7 flows that are coming into your pond right now
8 are going out. You don't have a whole lot of
9 storage use. You don't have other uses of
10 that water. So passing the water is
11 (indiscernible) and really whatever criteria
12 we need to use for the other situation, the
13 erosion, those are the ones that should -- not
14 this particular one. The minimum flow we are
15 releasing for Smelt Brook, or suggesting you
16 continue to release, will settle this
17 criteria.

18 So brief and kind of quick, just to
19 recap, we have these various criterions. Each
20 one has a suggested water level, and what we
21 notice in this chart, which we tried to
22 summarize, is we have a little conflict. We
23 have with Condition E, flood protection. We
24 want the pond low, 99.5, you know, it's
25 basically a foot below normal. But then for

1 all the other times, we want it high. If we
2 were living in a vacuum and only had to
3 consider flood protection, we'd want it low so
4 we can take care of those summer events
5 that -- you know, suddenly a hurricane comes
6 through. At the same point, if we didn't have
7 to worry about flood protection, we'd just
8 keep it up all the time because
9 (indiscernible) the shorelines and all those
10 things; and it doesn't impact boating.

11 But we can't live with one or the other.
12 We have to satisfy both. And so what we did,
13 we tried to make a subjective call based on
14 experience and judgment of what your levels
15 should be or suggested target levels should be
16 and recognize that any of these levels will
17 require the dam, you know, be in tune
18 (indiscernible) that if you are suddenly in
19 July and you have a hurricane coming through,
20 they need to recognize that you need to
21 address that beforehand and not allow it to
22 come on and overtop your dikes much.

23 But, for now, what we're saying with the
24 normal situations, we're suggesting you
25 maintain your historic summertime water level

1 during the non-winter period. It's the target
2 level of basically four inches above the
3 crest. And during the wintertime, we are
4 suggesting you do more than you have, lower it
5 to 4 to 12 inches. This will help as much as
6 possible to contain the snow melt that might
7 come with the sudden rise and flows.

8 We're also suggesting that you somewhat
9 establish a schedule so that people aren't
10 unexpectedly out there -- you know, most
11 people, granted, are off the lake maybe after
12 Labor Day, but some are going to stay out
13 there later. But if the Town could establish
14 a general, either public noticing of when
15 they're going to run the pond down or a
16 somewhat target date, we chose mid-October, to
17 start drawing the pond down, that that will
18 allow everybody to understand that the lake is
19 not going to be high anymore. We need to get
20 our recreational vehicles and boats off from
21 the pond.

22 We're also suggesting that we do this
23 fairly early in the winter season. This is to
24 allow the ice pack or the ice cover to be
25 established at a certain level. What you

1 don't want to do is to have your ice at a high
2 level and then drain your pond and then wind
3 up having ice ridges that suddenly break
4 through and you have an entrapment issue or a
5 snowmobile is going through at night and
6 suddenly hits an ice ridge or you break
7 through, all those issues. So we're trying
8 establish a level that's somewhat lower at the
9 very -- near the end of the fall rain period
10 and when ice starts to -- to think about
11 forming and maintain that, in essence, until
12 the spring thaw has gone through.

13 We're expecting that around mid-April,
14 start thinking about pulling your pond back
15 up. We did notice that the general mean flows
16 in May are still pretty high, so this may
17 actually need to shift a little bit to mid-May
18 perhaps. But this is where dam attendance and
19 understanding of where you are with your
20 snowpack melt, things of that nature that need
21 to have a little bit of adjustment. That's
22 why these are called target elevations, target
23 dates.

24 And so while I realize this went through
25 very fast, a lot of information, just to

1 present to the council and the public, the
2 general idea of what we went through to
3 consider these target elevations. And that
4 will conclude, at this point, the presentation
5 of the PowerPoint.

6 (PowerPoint presentation ended.)

7 COUNCIL CHAIR EDWARDS: Thank you, Roger
8 and Al.

9 All right. We will move onto Item D,
10 which is questions from the hearing officer.

11 MR. NASH: Just -- Roger just suggested
12 that we let you know that when we developed
13 all this, we met with the current and past dam
14 owners. We also talked with the dam design
15 engineer. We talked with the DEP and made a
16 few attempts to talk with Inland Fisheries,
17 but the Inland Fisheries and DEP were talking
18 together; so we feel we have a pretty good
19 handle of what they're looking for.

20 We looked at a lot of the past
21 correspondence with the -- from the Pond
22 Association to the DEP and other organizations
23 and looked the levels that the Town
24 recommended. That was same of our bases.
25 Plus, we looked at, as I mentioned to you

1 before, the publically-available USGS
2 StreamStats data and other reports, like the
3 flood investigation study, flood insurance
4 study that was done back in '87.

5 Hopefully, that answers any questions on
6 that.

7 COUNCIL CHAIR EDWARDS: Thank you. All
8 right. We will move on to Item D, questions
9 from the hearing officer. I have none.

10 MR. HAMILTON: So if you hold just for a
11 moment and see if any of the councilors have
12 questions for Mr. Nash, and you could pass
13 those either in writing or you can speak right
14 up so the hearing officer might hear you; and
15 we can put the question to Mr. Nash.

16 COUNCIL CHAIR EDWARDS: All right. We
17 can move on Item E, the public witness
18 statements. Do we have anyone here?

19 TOWN MANAGER BRONSON: I don't think we
20 have anybody live. No, nobody live.

21 COUNCIL CHAIR EDWARDS: If anyone on Zoom
22 would like to make any public statements,
23 please raise your hand on Zoom.

24

25 TOWN CLERK MORRISON: George, do you want

1 this email read into the record? Do you want
2 me to read it or do you want to?

3 MR. HAMILTON: State the name of the
4 speaker and perhaps their address.

5 COUNCIL CHAIR EDWARDS: Okay. This was
6 written by David Moison, M-o-i-s-o-n. Email
7 address, cdenpa@gmail.com. Let's see.

8 MR. HAMILTON: We know David to be a
9 Lincoln resident, correct?

10 COUNCIL CHAIR EDWARDS: Correct.

11 MR. HAMILTON: So he has important
12 standing. He's a Lincoln resident.

13 COUNCIL CHAIR EDWARDS: Okay. I'll just
14 read his email.

15 Good morning, gentlemen. This is email
16 makes three suggestions relevant to last
17 night's discussion about lake water levels.
18 Number one, because Jeff Fogg was not
19 mentioned last night, he is brought to your
20 attention now. Jeff, for years, lived on Big
21 Narrows, and he helped control the water
22 level; thus he knows well the traditional
23 winter, post-spring thaw, late summer, and
24 early fall water levels. He may also know the
25 range of the demands for higher and lower

1 water levels; thus, Mr. Nash can almost
2 certainly learn in 15 to 30 minutes all or
3 most of what he needs to know about the
4 Narrows from Jeff.

5 MR. HAMILTON: Can we pause there for a
6 moment, Mr. Hearing Officer?

7 COUNCIL CHAIR EDWARDS: Yes.

8 MR. HAMILTON: Mr. Nash, can you hear me?
9 Maybe you can ask him. Just ask him if he had
10 an opportunity to talk with Mr. Fogg.

11 COUNCIL CHAIR EDWARDS: Al, did you have
12 a chance to talk with Mr. Fogg.

13 MR. NASH: Yes. In preparation of this,
14 I did talk to him at length, and he was very
15 helpful and gave me a lot of historical and
16 current information.

17 COUNCIL CHAIR EDWARDS: Thank you. All
18 right.

19 Item 2, have the Lincoln News notify the
20 community about the proposed water levels one
21 to two weeks before the public hearing for
22 each water shed. Also, compare the proposed
23 water levels to the traditional levels, for
24 example, the proposed post-spring thaw level
25 will be six inches above the traditional

1 elevation.

2 MR. HAMILTON: Can you pause on that one
3 just for a minute, Mr. Hearing Officer? Could
4 you read back into the record Item 1 in your
5 hearing outline in terms of when notice was
6 posted and the dates as well.

7 COUNCIL CHAIR EDWARDS: Item 1, the
8 notice, Notice A, published in the Lincoln
9 News on February 4th and 11th, Item B posted
10 the Town Office, and Item C mailed to direct
11 abutter, Mr. Garvey.

12 MR. HAMILTON: So the 4th and 11th would
13 be more than one to two weeks before the
14 February 22nd hearing. I just want residents
15 of Lincoln to know that their comments are
16 taken to heart, and we have the opportunity to
17 address those.

18 COUNCIL CHAIR EDWARDS: All right. And
19 Item 3, emphasize safety with managing lake
20 levels. Keep the lake elevations as stable as
21 Mother Nature allows. Stability is
22 increasingly important because newcomers are
23 ignorant of how, when, and where swimming,
24 boating, ice fishing, and snowmobiling hazards
25 change as elevations change. Temporary

1 drawdowns before expected big runoff events
2 are prudent. Drawdowns decrease the risk of
3 runoff will overtop and breach dams and
4 thereby protect residents and communities
5 downstream from dams.

6 In combination, these two practices will
7 inherently simulate a natural overflow for
8 each dam-controlled lake. A natural overflow
9 is the primary of the Maine DEP regulations
10 relevant to the Lincoln Lakes Region.

11 Time to conclude. Respectfully, David
12 Moison.

13 MR. HAMILTON: So, Mr. Edwards, as
14 hearing officer, could you ask Mr. Nash if
15 that last set of comments related to safety
16 and lake levels was addressed by him in his
17 presentation? I thought I heard him address
18 all of those factors, but you might want to
19 ask him.

20 COUNCIL CHAIR EDWARDS: Mr. Nash, the
21 last section of the email, was that addressed
22 in your presentation?

23 MR. NASH: I believe it was, and we are
24 in 100-percent agreement. That's why we
25 suggest have a somewhat set schedule. You

1 recognize that at times you may have to pull
2 the pond down prior to a major rain event, but
3 that we don't keep fluctuating the pond for
4 those very reasons.

5 COUNCIL CHAIR EDWARDS: Thank you.

6 We have no other witness statements?

7 MR. HAMILTON: Do we have anyone on Zoom?

8 MS. RYDER: We have nothing except what
9 they have electronically.

10 MR. HAMILTON: Is there any way for
11 anyone that's on a different streaming to
12 indicate?

13 MS. RYDER: Mr. Moison has follow-up
14 questions, if that's okay.

15 MR. HAMILTON: Please.

16 MR. MOISON: Can you hear me?

17 MR. HAMILTON: We can.

18 MR. MOISON: Thank you. First, thank you
19 for reading my suggestions to the council, and
20 thank you, as well, for getting in touch with
21 Mr. Fogg. He is a fountain of knowledge, as
22 I'm sure Mr. Nash has learned and everybody
23 else -- and all Lincoln residents already
24 knew. And thank you to Jeff for his years of
25 helping out with Big Narrows dam.

1 Mr. Nash, do you know that the Big
2 Narrows elevations decline more or less
3 steadily throughout open-water season and they
4 decline significantly?

5 MR. NASH: Yeah, I am aware that that
6 happens, and this is part where diligence on
7 the dam operational part will need to really
8 be focused on that to try to maintain it;
9 because, again, you know, we're using kind of
10 the mean flows. Obviously, things change on a
11 yearly basis, so there are times when you may
12 not have that much inflow. But we noted that
13 even during those dry periods, you know,
14 theoretically anyways, it will drop it some,
15 but you should be able to maintain, generally
16 speaking. Obviously, August is your worst
17 month. So we're aware of that, and we tried
18 to address it as best we could. We're open to
19 other suggestions, but by keeping the pond up
20 initially as much as we can, being diligent
21 with how much --

22 One of the things I would suggest -- I
23 did not mention it during the presentation --
24 is that right now, I believe you're passing a
25 little bit more flow than you're actually

1 required to through that slot; and that is
2 impacted by how -- where that slot is located,
3 you see the change, I believe; and so I would
4 suggest that the Town review where that slot
5 should be so you don't pass any more flow than
6 you absolutely need to.

7 MR. MOISON: I have an additional
8 question about the minimum flow requirement.
9 Is it correct that the way that it's
10 calculated is based on the typical inflow of
11 water during August, which is the driest month
12 of the year?

13 MR. NASH: That is correct, yes.

14 MR. MOISON: Is that number adjusted in
15 any way, shape, or form for deviations between
16 the actual precipitation in a given year and
17 that typical year? For example, during a dry
18 year, the actual inflows might be 25 percent
19 or 50 percent of what's typical; and that will
20 necessarily affect outflow from even a
21 naturally controlled --

22 MR. NASH: Yes, typically how this is
23 addressed is that it's typically worded that
24 this amount of flow or inflow, whatever is
25 least, or I'm sorry, which whatever is more.

1 So in this case, when you do have those
2 periods, you are permitted to reduce that
3 flow, because that would be a
4 naturally-occurring event. However, what you
5 do need to know, though, is how you're going
6 to determine what those flows are; and that
7 can be a little tricky.

8 So it can be adjusted. The rule of thumb
9 as it were (indiscernible) as you mentioned
10 during the mean flow in August. But if you
11 actually did a lower inflow, you are permitted
12 to reduce that to match or maintain what's
13 coming in. And the way that -- one of the
14 ways you could do that is by maintaining the
15 pond level by adjusting, you know, again, that
16 time slot height or some other fashion.
17 There's a couple of different ways to do it,
18 but you are permitted to reduce that flow
19 during extreme dry periods.

20 MR. MOISON: Is the following permitted?
21 That -- and for the sake of, very simple,
22 illustration, let's say that all the water
23 spilled from Big Narrows is spilled over the
24 top of the upper flashboard, there are no gaps
25 below that, and as long as we maintain the

1 elevation of that upper flashboard, whatever
2 flows out of the Big Narrows is necessarily
3 the sum of whatever -- of all inflows into the
4 Narrows minus evaporation and minus
5 evapotranspiration, which is what the plants
6 draw out of there, and a few other natural
7 factors. So that is necessarily unnatural
8 outflow from the lake, or inevitably,
9 unnatural outflow.

10 MR. NASH: What you're saying is true,
11 but generally speaking, you will want to try
12 to maintain that flow downstream as much as
13 possible; and that may mean sacrificing a
14 little bit of pond elevation in order to
15 maintain that. But what you're saying is
16 generally true.

17 MR. MOISON: What you're proposing is, in
18 fact, a man-set outflow rather than a natural
19 outflow; because we are drawing down the lake
20 in order to maintain some preset flow in the
21 outlets?

22 MR. NASH: Right. This is an area where
23 I think you should reinvestigate just how much
24 flow you're actually releasing from the dam,
25 because you don't have to release as much as

1 historically has been released; and I think if
2 you reduce it to the amount that has been
3 agreed, I don't think you'll find as much
4 impact as you have historically seen. But
5 right now, you seem to be releasing more than
6 you're required to.

7 MR. MOISON: Correct. But in a drought
8 year -- do I understand correctly, in a
9 drought year, we have reasons to request a
10 variance from the 1.12 cubic feet per second
11 to something less?

12 MR. NASH: That is true, yes.

13 MR. MOISON: Thank you. That is very
14 helpful and much appreciated.

15 MR. HAMILTON: So, Mr. Nash, I don't know
16 if you can see me. What might be helpful is
17 to supplement your written report with a
18 procedure for how in the dry years inflows can
19 be calculated and used to make any appropriate
20 legal exception to minimum stream flows. And
21 I think that methodology should be laid out,
22 because that's the one question I've heard
23 from this evening that might need to be
24 addressed as part of the supplement. I think
25 you stated it well, Mr. Nash, but actually

1 COUNCILOR GIFFORD: I have a statement.
2 And I would like to thank Mr. Nash. I think
3 he covered the dam level very distinctly. As
4 you know, I've had a little bit of experience
5 in doing that. And I think getting it written
6 down so that people can understand that --
7 it's a scientific thing, but I think people
8 need to understand that you can't maintain a
9 perfect level all the time. But I think,
10 Mr. Nash, you've done a very good, and thank
11 you.

12 COUNCIL CHAIR EDWARDS: Thank you, Jeff.

13 MR. NASH: Thank you, sir.

14 COUNCIL CHAIR EDWARDS: Anything else
15 from the council? Nothing? All right. We
16 will move on Item H, responses from Mr. Huber
17 and Mr. Nash. There were no questions.

18 So we move onto item I, questions from
19 the hearing officer. I have none.

20 MR. HAMILTON: I just want to check for
21 the entire council. Does anybody else have
22 any other questions? You're good?

23 COUNCIL CHAIR EDWARDS: All right. We'll
24 move onto Item 4, close the public hearing and
25 deliberations of council and advisors; written

1 findings and conclusions with the water-level
2 order at March council meeting.

3 MR. HAMILTON: So if you would go ahead
4 and declare the public hearing closed.

5 COUNCIL CHAIR EDWARDS: The public
6 hearing is closed. We can start
7 deliberations.

8 MR. HAMILTON: So we're going to do this
9 in open session and not in executive session,
10 because I think Mr. Nash has provided you with
11 materials. I would have you go to page 35. I
12 think it is -- yes, page 35 essentially
13 reviews, in final summary, what the testimony
14 of Mr. Nash was. And so through the hearing
15 officer, I would ask the hearing officer to
16 ask the council if they have any questions
17 about Slide 35 of either Mr. Nash, the hearing
18 officer, or any of your advisors here tonight.
19 Do you understand the important purpose of 35?
20 And do you see how flood flow affects the
21 second part of the recommendation of
22 99.5 feet, which is four inches lower than
23 historical winter conditions so that if we
24 have a 100-year flood event out there, you'll
25 have 53 hours, and not just 36 hours of time

1 for that pond to fill up and start overtopping
2 the banks. Does everybody understand that?

3 And so throughout the hearing officer, in
4 your role, George, if you'll just ask your
5 council colleagues if they have any questions
6 or any comments about Slide 35. My job will
7 be to draft a water-level order using the
8 evidence that's been received tonight both
9 from Mr. Nash and the public. I just want to
10 know if you can go around the horn, if you
11 would, Councilor Edwards, starting perhaps
12 with Mr. Gifford on Zoom on whether he's
13 comfortable with page 35.

14 Specifically, if you could just read 35
15 into the record, if you would.

16 COUNCIL CHAIR EDWARDS: All right. I
17 will read page 35 into the record.

18 The suggested pond level and flows,
19 seasonal target water levels should be
20 established to satisfy conflicting conditions
21 required for recreation and flood protection,
22 a water-level elevation of 100.3 feet from
23 mid-April to mid-October, a water-level
24 elevation of 99.5 feet from mid-October to
25 mid-April.

1 We'll start with Jeff. Jeff, did you
2 have any questions or anything related to that
3 slide and information?

4 COUNCILOR GIFFORD: No, I don't have any
5 questions. I just have statement. You know,
6 I trust Jeff Fogg's judgment.
7 He's (indiscernible), and I think Mr. Nash has
8 covered very well what needs to be done; and I
9 think this will do it for us. You know, we're
10 trying to get kind of minute in our level of
11 the lake, I think; but I think that can be
12 worked out with the guidelines to go by. And
13 that's what we need. So I think it's very
14 good.

15 COUNCIL CHAIR EDWARDS: Thank you, Jeff.
16 Anyone else from the council?

17 MR. HAMILTON: We can poll each member of
18 the council for their thoughts.

19 COUNCIL CHAIR EDWARDS: Cathy, do you
20 have any questions or statement.

21 COUNCILOR MOISON: No. I think he did a
22 good job of covering it and with the
23 additional operation of what to do if you have
24 that outlier year. I think it's great. Thank
25 you.

1 COUNCIL CHAIR EDWARDS: Thank you.

2 Jared, do you have any questions or
3 statements?

4 COUNCILOR MCCARTHY: I don't. I think
5 it's was very well covered. The explanation
6 on the level was spot on. I think it's very
7 easy to figure out why they want what they
8 want.

9 COUNCIL CHAIR EDWARDS: Steve, do you
10 have any questions or statement?

11 COUNCILOR CLAY: No, I'm all set, other
12 than we just don't know what is going to
13 happen in the future; but this a good start to
14 get us on track.

15 COUNCIL CHAIR EDWARDS: John, did you
16 have any questions or statements?

17 COUNCILOR TRASK: I do appreciate what
18 Mr. Nash has done here. It really kind of
19 helps us move through it. Also, as long as
20 that wording is in there that should we have a
21 severe drought that we can legally put more in
22 or raise that level so people don't worry
23 about it in the summer. I don't think anyone
24 is going to have trouble the 99.5 feet in the
25 winter for the 100-year flood, if it happened.

1 But I think he did an excellent job, and I
2 think it gives us something good to go by.
3 Mother Nature won't agree. She'll mess things
4 up, but I think it's good.

5 COUNCIL CHAIR EDWARDS: Thank you.

6 Marscella, do you have any questions or
7 statements?

8 COUNCILOR IRELAND: No.

9 MR. HAMILTON: Are you comfortable,
10 Marscella?

11 COUNCILOR IRELAND: Yes, very
12 comfortable.

13 COUNCIL CHAIR EDWARDS: The only thing I
14 have is I'd like to thank everyone for all
15 their time and effort that they put into this.

16 MR. HAMILTON: So just three summary
17 statements. As I listened to the comments of
18 the council, number one, you really like the
19 emphasis on target water levels. You think
20 Mother Nature could be more variable than
21 hitting a specific water level every year? So
22 target water level is something that Mr. Nash
23 has emphasized.

24 The second thing I hear is that we should
25 explore through Mr. Nash's notes as part of

1 the supplement to his written report, which
2 I'll pass out to council, if that's acceptable
3 to Mr. Nash and to his colleague, Attorney
4 Huber; but we want to have a supplement that
5 addresses this condition of in dry years what
6 do we do if we've got substantially reduced
7 inflows to the pond such that we may need to
8 reduce and under what conditions can we do
9 that.

10 And then the third piece that I heard was
11 we need to have an emphasis on careful
12 monitoring and maintenance, perhaps then a
13 continuation of historic with any additional
14 recommendations Mr. Nash has. And I believe
15 those will be in his written report materials
16 for the supplement.

17 So I guess I'll ask, Mr. Nash and
18 Attorney Huber, any objection to passing out
19 the written report of Mr. Nash to the council,
20 and then you can supplement it?

21 MR. HUBER: Andy, I think we would prefer
22 to revise that report to address those issues
23 just to make sure that there's consistency
24 throughout.

25 MR. HAMILTON: That's fine. Good. Thank

1 you.

2 MR. HUBER: And we can submit the
3 report's final form certainly before the end
4 of the week, but we would prefer to make the
5 changes before tendering it to the council.

6 MR. HAMILTON: If you heard those three
7 factors that the council addressed, I think
8 that's most appropriate, Attorney Huber and
9 Mr. Nash. That's fine.

10 COUNCIL CHAIR EDWARDS: Thank you. We
11 can adjourn.

12 (The proceeding at ended 7:12 p.m.)

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CERTIFICATE

I, Tammy M. Smith, a Notary Public in and for the State of Maine, hereby certify that the foregoing is a correct transcription of my stenographic notes in the matter of the above-entitled cause.

IN WITNESS WHEREOF, I subscribe my hand and affix my seal this 2nd day of March, 2021.



Tammy M. Smith
Notary Public/Court Reporter

My Commission Expires: January 12, 2026

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