

**STATE OF MAINE
LAND USE PLANNING COMMISSION**

IN RE: PICKETT MOUNTAIN MINE REZONING APPLICATION

Applicant: Wolfden Mt. Chase LLC

Location: T6R6 WELS

Commission Application Number: ZP 779A

ISSUES LIST

**HOULTON BAND OF MALISEET INDIANS, PENOBSCOT NATION, NATURAL
RESOURCES COUNCIL OF MAINE, AND CONSERVATION LAW FOUNDATION**

Pursuant to the Land Use Planning Commission’s First Procedural Order, issued July 18, 2023, the Penobscot Nation, Houlton Band of Maliseet Indians, Natural Resources Council of Maine, and Conservation Law Foundation (collectively “intervenors”) submit the below list of specific, relevant issues that intervenors wish to present at the public hearing along with relevant statutory and regulatory decision-making criteria that apply to each of the topics.

1. **Impacts to water – failure to demonstrate feasibility of protective measures.** Wolfden Mt. Chase LLC (“Wolfden”) fails to demonstrate that the project, as planned, will be able to prevent undue adverse impacts to water. This issue includes, but is not limited to: (a) treatment of wastewater (lack of demonstrated ability of a mine of this type to discharge wastewater to background levels, and failure to account for the costs of attempting to achieve those levels); (b) water balance (inadequate support for water balance calculations); (c) acid mine drainage, including from waste rock, exposed underground workings, and ore transportation (underestimation of the risk of acid mine drainage, failure to include an adequate plan to prevent acid mine drainage, and failure to reasonably demonstrate the effectiveness of any such plans); (d) Wolfden’s inexperience developing and operating a mine; and (e) Wolfden’s failure to specify the location and include plans for the ore processing and tailings disposal facilities, which are an integral part of the project and pose significant risks to the area’s waters, potentially including waters under the LUPC’s jurisdiction and in adjacent areas, which cannot reasonably be assessed without knowing their location and design. 12 M.R.S. § 685-A(8-A); 01-672 Me. Code R. Chapter 10 §10.21(H)(1); 01-672 Me. Code R. Chapter 12 §§ 4(B)(1)(a), (b); 4(B)(2)(a), (c); and 4(B)(3)(a), (b), (d); CLUP Chapter 1, Chapter 5.7.D.

2. **Financial viability of the project.** Wolfden fails to demonstrate that the project will be financially viable. This issue includes, but is not limited to: (a) Wolfden’s lack of sufficient financial resources to develop a mine; (b) Wolfden’s failure to reasonably account for the cost of wastewater treatment and other natural resource protection measures; (c) the site’s poor ore characterization and lack of a mineral reserve; (d) Wolfden’s failure to propose adequate financial assurance to cover any necessary investigation, monitoring, remediation, and reclamation, including for a worst-case mining disaster as required by Maine law (38 M.R.S. § 490-RR(2)(A)); and (e)

Wolfden's failure to specify the location and include plans for the ore processing and tailings disposal facilities, which are an integral part of the project and will impose costs that cannot reasonably be assessed without knowing their location and design. 12 M.R.S. § 685-A(8-A); 01-672 Me. Code R. Chapter 10 §10.21(H)(1); 01-672 Me. Code R. Chapter 12 §§ 4(B)(1)(a), (b); 4(B)(2)(a), (c); and 4(B)(3)(a), (b) (d); CLUP Chapter 1, , Chapter 5.7.D.

3. **Tribal impacts.** Wolfden fails to demonstrate that the interests of the Penobscot Nation and Houlton Band of Maliseet Indians will not be adversely impacted. The proposed project will significantly impair the natural character of the region and the quality of its waters, fisheries, wildlife habitat, and environment, all of which are vital to the culture, health, economy, and land ownership interests of Intervenor Penobscot Nation and Houlton Band of Maliseet Indians. 12 M.R.S. § 685-A(8-A); 01-672 Me. Code R. Chapter 10 §10.21(H)(1); 01-672 Me. Code R. Chapter 12 §§ 4(B)(1)(a), (b); 4(B)(2)(a), (b) (c); and 4(B)(3)(a), (d); CLUP Chapter 1, Chapter 5.7.D.
4. **Adverse impacts to the undeveloped, natural character of the region.** Wolfden fails to demonstrate that the proposed project will not adversely impact the largely undeveloped, natural character of the region and the respite it provides for Maine residents to enjoy solitude, private recreation, and spiritual renewal. 12 M.R.S. § 685-A(8-A); 01-672 Me. Code R. Chapter 10 §10.21(H)(1); 01-672 Me. Code R. Chapter 12 §§ 4(B)(1)(a), (b); 4(B)(2)(a), (c); and 4(B)(3)(a), (d); CLUP Chapter 1, Chapter 5.7.D.
5. **Adverse impacts to the region's outdoor economy.** Wolfden fails to demonstrate that the region's outdoor economy will not be adversely impacted. The proposed project would harm the Katahdin region's important outdoor recreation economy, which the State has worked hard to preserve, and would undermine the significant strides the State has taken to protect the Katahdin region's spectacular natural beauty and environment. 12 M.R.S. § 685-A(8-A); 01-672 Me. Code R. Chapter 10 §10.21(H)(1); 01-672 Me. Code R. Chapter 12 §§ 4(B)(1)(a), (b); 4(B)(2)(a), (b) (c); and 4(B)(3)(a), (d); CLUP Chapter 1, Chapter 5.7.D.
6. **Impacts to fish, wildlife, and habitat.** Approval of the Application is not compatible with protection of the area's fish, wildlife, and habitat. The waters that would be negatively impacted by the proposed mine include high-value brook trout and landlocked salmon waters as well as designated critical habitat for endangered Atlantic salmon. 12 M.R.S. § 685-A(8-A); 01-672 Me. Code R. Chapter 10 §10.21(H)(1); 01-672 Me. Code R. Chapter 12 §§ 4(B)(1)(a), (b); 4(B)(2)(a), (b) (c); and 4(B)(3)(a), (d); CLUP Chapter 1, Chapter 5.7.D.
7. **Overestimation of financial and employment benefits of project.** Wolfden overestimates the benefits its project will have for the regional economy and workforce. 12 M.R.S. § 685-A(8-A); 01-672 Me. Code R. Chapter 10 §10.21(H)(1); 01-672 Me. Code R. Chapter 12 §§ 4(B)(1)(a); 4(B)(2)(a); and 4(B)(3)(a); CLUP Chapter 1, Chapter 5.7.D.

Dated: July 26, 2023

Respectfully Submitted,



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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION

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| IN THE MATTER OF ZONING |) | |
| PETITION ZP 779A |) | |
| WOLFDEN MT. CHASE, LLC |) | APPLICANT'S IDENTIFICATION |
| APPLICATION FOR ZONE CHANGE, |) | OF TOPICS FOR THE PUBLIC |
| PICKET MOUNTAIN MINE |) | HEARING |
| T6 R6 WELS, |) | |
| PENOBSCOT COUNTY, MAINE |) | |

Pursuant to Section V.B.2 of the First Procedural Order, the Applicant is identifying the following topics it intends to address at the public hearing.

- Project overview;
- Consistency with the Comprehensive Land Use Plan (Chapter 12, Section 4.B.(1) and (3)) and D-PD rezoning criteria (Chapter 10, Section 21.H(8)(b));
- Demonstration that the Project will not have an undue adverse impact on existing uses or resources (Chapter 12, Section 4.B.(1) and (3));
- Demonstration that the surrounding water resources will be fully protected (Chapter 12, Section 4.B.(1) and (3)); and,
- Socioeconomic benefits of the Project (Chapter 12, Section 4.B.(2) and (3)).

Additionally, the Applicant reserves the right to present evidence at the public hearing responsive to the issues raised by the intervenors or that the Commission requests be presented at the public hearing.

Dated: July 26, 2023



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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION

IN THE MATTER OF
PETITION ZP 779A
WOLFDEN MR. CHASE, LLC
APPLICATION FOR ZONE CHANGE
PRICKET MOUNTAIN MINE
T6 R6 WELS
PENOBSCOT COUNTY, MAINE

H.C. HAYNES, INC.,
ISSUES LIST

Pursuant to the First Procedural Order, Intervenor H.C. Haynes, Inc., identifies the following topics it intends to address at the public hearing:

Socioeconomic benefits of the Project
Title 12 Section 681, 685-A and 685-C
Comprehensive Land Use Plan Chapter 1 Section I.B and G
Comprehensive Land Use Plan Chapter 4
Chapter 12, Section 4.B(2) and (3).

H.C. Haynes, Inc., expects to present evidence at the public hearing responsive to issues raised by other parties to the proceeding.

Dated: July 26, 2023



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