



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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AUGUSTA, MAINE 04333-0022

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Memorandum

To: LUPC Commissioners

CC: Interested Parties

From: Tim Carr, Senior Planner
Stacie Beyer, Executive Director
Billie Theriault, Regional Supervisor

Date: December 1, 2023

Re: Application for Zone Change, ZP 779A, Wolfden Mt. Chase, LLC
Pickett Mountain Mine, T6 R6 WELS
Commission Deliberation

Administrative History

On January 18, 2023, Wolfden Mt. Chase, LLC filed with the Maine Land Use Planning Commission (Commission or LUPC) an application to rezone 374 acres in T6 R6 WELS from a General Management to a Planned Development (D-PD) subdistrict. The proposed D-PD subdistrict would allow for the development and operation of the Pickett Mountain metallic mineral mine. On February 24, 2023, the Commission accepted the application as complete for processing.

The application is subject to and is being reviewed under the Commission's Chapter 12 rules (Mining and Level C Mineral Exploration Activities). 01-672 C.M.R. Chapter 12, effective May 27, 2013. Chapter 12 requires a public hearing to be held by the Commission prior to a final decision on the application. The public hearing was held on October 16, 17, and 18 in Millinocket and October 23 in Bangor.

Pursuant to § 5.10(B) of the Commission's Chapter 5 rules, *Rules for the Conduct of Public Hearings*, the hearing record remained open for public comments by interested persons for 10 days (through November 2, 2023) following the final hearing session, and for a subsequent seven days (through November 9, 2023) for the filing of rebuttal comments. The record for the hearing is now closed.

Review Criteria

The statutory decision-making criteria for zone change applications are found in 12 M.R.S. § 685(A)(8-A) and state that a land use district boundary may not be adopted or amended unless there is substantial evidence that:

- A. The proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan and the purpose, intent and provisions of this chapter; and
- B. The proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.

Deliberation Process

The Commission must consider the above statutory decision-making criteria in reaching a decision on amending subdistrict boundaries. The staff analysis in this matter has identified a series of factors addressed in testimony and evidence during the hearing that staff believes, when assessed for the credibility of the evidence and weight to be given, will support the determination of whether the proposed zone change meets the decision-making criteria. Staff is at a point in its analysis where input from the Commission will be beneficial, particularly in drafting a staff-recommended decision on the Application. The attached Guidance for Commission Deliberation includes what staff believes are the key standards and evidence in the record, framework questions that will be helpful to the Commission's discussion, and key factors indicating staff's preliminary weighing of the applicable evidence.

At the December Commission meeting, staff will present the key standards, evidence, and factors, outline the framework questions, and be ready for Commissioners' questions as you deliberate on the Application. The hearing record will be available at the meeting, is available on the Commission's website, and has been downloaded to the LUPC's FTP site for review by the Commission. The hearing List of Exhibits is attached for reference to the evidence in the record, as organized on the FTP site. Because the record has closed, no new testimony or evidence can be accepted at the Commission meeting unless the Commission decides to reopen the hearing or record.

Attachments

- Attachment A: Guide for Commission Deliberation
- Attachment B: ZP779A Public Hearing List of Exhibits

Attachment A

Guide for Commission Deliberation

WOLF DEN APPLICATION FOR ZONE CHANGE, ZP 779A

GUIDE FOR COMMISSION DELIBERATION

I. Criteria- 12 M.R.S. § 685(A)(8-A)

The statutory decision-making criteria for zone change applications are:

- A. The proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan and the purpose, intent and provisions of this chapter; and
- B. The proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.

II. Hearing Topics

According to the Second Procedural Order, ZP 779A, the topics considered during the technical sessions of the public hearing were limited to:

- Financial practicability
- Water and fish resources/aquatic habitats
- Wildlife resources/habitats
- Natural character
- Historical and cultural resources/relevant tribal impacts
- Socioeconomics

III. Financial Practicability

The following provides guidance for the discussion of financial practicability, including the key standards and evidence in the record and framework questions that staff believes will be helpful to the discussion.

A. Key standards:

1. 01-672 C.M.R. ch. 10, §10.21(H)(1).

"The purpose of the D-PD subdistrict is to allow for large scale, well-planned development," proposals for which the Commission will consider provided they "can be shown to be of high quality and not detrimental to other values" of the Commission's jurisdictional area.

B. Key evidence in the record that could support a finding that the standard has not been met:

- Pre-filed Testimony of Dr. Ann Maest, Vice President, Buka Environmental; Exhibit 10.41_2023-09-25_Intervenor2_PrefiledTestimony_AMaest, p. 4.
- Pre-filed Testimony of Stu Levit, Staff Scientist, Center for Science in Public Participation; Exhibit 10.39_2023-09-25_Intervenor2_PrefiledTestimony_SLevit.

- Direct Testimony of Stu Levit, Staff Scientist, Center for Science in Public Participation; Exhibit 11.73_2023-10-17_ZP779AHearingTranscript TechnicalSession, pp. 448-476.
- Cross-examination of Brian Leblanc, President, A-Z Mining Professionals Limited; Exhibit 11.73_2023-10-17_ZP779AHearingTranscript TechnicalSession, pp. 316-325.

C. Key evidence in the record that could support a finding that the standard has been met:

- Telephone call with Kyle Moselle, Acting Director, Alaska Department of Natural Resources; Exhibit 8.1_2023-07-18_ZP779_4.3_2020-02-21_PhoneNotes_AlaskaDNR.
- Pre-filed Testimony of Jeremy Ouellette, Vice President of Project Development, Wolfden; including Exhibit A, Chapter 200 Supplemental Reports and Studies, Exhibit 10.20_2023-09-25_Wolfden_Prefiledtestimony_JOuellette.
- Pre-filed Testimony of Ron Little, President and Chief Executive Officer, Wolfden; Exhibit 10.28_2023-09-25_Wolfden_Prefiledtestimony_RLittle.
- Wolfden Application for Zone Change, Preliminary Economic Assessment (PEA) Report; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application, Attachment 14-A.
- SWCA Technical Review Memo; Exhibit 8.4_2023-07-18_ZP779_6.20_2021-01-29_Wolfden_Review_SWCA.

D. Framework for discussion

The hearing record for this matter has testimony and evidence relating to the financial practicability of the Pickett Mountain Mine submitted primarily by the Applicant. It also includes testimony and evidence regarding the financial capacity and technical ability of Wolfden Mt. Chase, LLC., primarily submitted by Intervenor 2. Key to the staff analysis has been 1) a conversation with the Acting Director of the Office of Project Management and Permitting, Alaska Department of Natural Resources (the notes of that conversation are included in the record); 2) the Preliminary Economic Assessment Report (PEA); 3) the review conducted by SWCA, a consulting firm hired by the LUPC to review the financial practicability of the Pickett Mountain Mine, and 4) the pre-filed and direct testimony of Stu Levit, Staff Scientist, Center for Science in Public Participation.

The Commission must consider the statutory decision-making criteria of 12 M.R.S. § 685(A)(8-A) in determining the appropriate tests to apply and in reaching a decision on amending subdistrict boundaries. A test of financial capacity and technical ability is included in the statutory decision-making criteria for development review and approval (permitting decisions). 12 M.R.S. §685-B(4)(A), Criteria for Approval. These criteria do not apply to the adoption or amendment of land use district boundaries (zoning decisions). As stated, the criteria for a zoning decision are established in 12 M.R.S. §685-A(8-A), within which there is no direct reference to a test of financial capacity or technical ability. In addition, there are no standards expressly providing financial capacity or technical ability criteria in the Commission's Chapter 12 rule for establishing a metallic mineral mine planned development subdistrict. Based on the review of the statutory decision-making criteria for zoning decisions, particularly relating to sound planning, and the

information provided by the Alaska DNR, staff believe a more appropriate test for a zoning decision is the technical feasibility and financial practicability of a specific proposal, particularly in the case of a proposed metallic mineral mine.

The Commission cannot approve rezoning to a D-PD subdistrict for metallic mineral mining unless there is substantial evidence that, among other criteria, the proposed change in districting is consistent with the purpose and intent of 12 M.R.S. ch. 206-A, which includes sound planning and zoning, and with the standards and purpose of the D-PD Subdistrict. 12 M.R.S. §685-A(8-A)(A), 01-672 C.M.R. ch. 10, §10.08(A)(1), and 01-672 C.M.R. ch. 12, §4(B)(l)(a) and 4(C)(l)(p). "The purpose of the D-PD subdistrict is to allow for large scale, well-planned development," proposals for which the Commission will consider "provided they can be shown to be of high quality and not detrimental to other values" of the Commission's jurisdictional area. 01-672 C.M.R. ch. 10, §10.21(H)(1). "Whether a project is technically feasible and financially practicable is a particularly important consideration for a custom zone, such as a D-PD subdistrict, that will be specifically established for a single large-scale development project. A project that is not technically feasible and financially practicable is not a well-planned or high-quality development and, therefore, would not satisfy the requirements of the statutory and regulatory criteria, including 01-672 C.M.R. ch. 12, § 4(B)(l)(a)." (See ZP779, Exhibit 4.5_2020-03-06_LUPC Letter AdInfo Request 1. The LUPC intends to take official notice of this non-confidential document from the agency record for ZP 779.)

The staff analysis identified a series of factors addressed in testimony and evidence during the hearing that, when assessed for credibility and weight to be given, will support the determination on whether the Pickett Mountain Mine is financially practicable. The factors reflecting staff's preliminary weighing of the applicable evidence (designated by bold text) are summarized in the table in [Appendix A](#).

With the above basis for discussion, the following questions are offered as a framework for the Commission to consider the potential for the Pickett Mountain Mine to be financially practicable:

- Have all the significant factors been captured in the staff analysis?
- How would Commissioners answer and evaluate the central questions?
- Have staff weighed the factors appropriately?

Answering the second question is essential to answering the third. The central questions relate to whether the Preliminary Economic Assessment (PEA), when considered in conjunction with the Chapter 200 requirements, provides an appropriate level of information on financial practicability at the zoning stage. Or, alternatively, whether Stu Levit's testimony regarding the unproven mineral resource at Pickett Mountain and other record evidence on the importance of metal prices to the project's financial success and historic volatility of those metal prices should be given more weight.

IV Socioeconomics

The following information provides guidance for the discussion of socioeconomics, including the key standards and evidence in the record as well as framework questions that the staff believes will be helpful to the discussion.

A. Key standards:

1. 01-672 C.M.R. ch. 12, §12(4)(B)(2)(a).

When reviewing a petition to change a subdistrict to a D-PD Development Subdistrict for the purposes of metallic mineral mining or Level C mineral exploration activities and applying the statutory criteria for approval as set forth in B(1)(a) of this section, the Commission, in addition to determining consistency with the standards for the D-PD Development Subdistrict boundaries and the Comprehensive Land Use Plan, shall consider the following factors when determining consistency with the purpose, intent and provisions of 12 M.R.S.A. Chapter 206-A:

(a) Positive and negative impacts upon the areas within and adjacent to the Commission's jurisdiction resulting from the change in use and development of the area. Such impacts may include, but are not limited to, impacts to regional economic viability, Maine's natural resource-based economy, local residents and property owners, ecological and natural values, recreation, and public health, safety, and general welfare;

2. 01-672 C.M.R. ch. 12, §12(4)(B)(3)(a).

When reviewing a petition to change a subdistrict to D-PD Development Subdistrict for the purposes of metallic mineral mining or Level C mineral exploration activities and applying the statutory criteria for approval as set forth in B(1)(b) of this section [no undue adverse impact on existing uses or resources], the Commission shall consider the following potential impacts:

(a) Potential short and long term socioeconomic impacts, both positive and negative, upon the immediate area and communities likely to be affected by the proposed activities and resulting from the construction, operation and closure of the proposed activity;

3. 01-672 C.M.R. ch. 12, §12(4)(C)(1)(n).

In order to demonstrate to the satisfaction of the Commission that a petition meets the criteria set forth in subsection B above, a petition to change a Subdistrict to a D-PD Development Subdistrict for a proposed metallic mineral mining or Level C mineral exploration activity must, at a minimum, contain the following:

(n) A description of socioeconomic impacts, both positive and negative, of the proposed metallic mineral mining or level C mineral exploration activities upon the immediate area and communities within and adjacent to the Commission's jurisdiction likely to be affected by the proposed activities, as well as to the county and state.

B. Key evidence in the record that could support a finding that the standard has not been met:

- Pre-filed Testimony of Stu Levit, Staff Scientist, Center for Science in Public Participation; Exhibit 10.39_2023-09-25_Intervenor2_PrefiledTestimony_SLevit.

- RBouvier Consulting’s “Review of Socioeconomic Analysis, Wolfden Proposal;” Exhibit 6.14_2023-07-10_SocioeconomicReview_RBouvier.
- Pre-filed Testimony of Jeremy Ouellette, Vice President of Project Development, Wolfden; Exhibit 10.20_2023-09-25_Wolfden_Prefiledtestimony_JOuellette.
- Pre-filed Testimony of Dr. Ann Maest, Vice President, Buka Environmental; Exhibit 10.41_2023-09-25_Intervenor2_PrefiledTestimony_AMaest.
- Public Comment of Dr. Bruce Taylor, M.D.; Exhibit 7.346_2023-11-02_BTaylor

C. Key evidence in the record that could support a finding that the standard has been met:

- Wolfden’s Application for Zone Change, Exhibit 10, Section 10.10 and Attachment 10-A: “Economic Assessment of Proposed Pickett Mountain Project” report by Michael Levert of Stepwise Data Research; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application.
- RBouvier Consulting’s “Review of Socioeconomic Analysis, Wolfden Proposal;” Exhibit 6.14_2023-07-10_SocioeconomicReview_RBouvier.
- Stepwise Data Research/Michael Levert’s memo “Socio-Economics of the Picket Mine Project - Responses to Rachel Bouvier’s Letter to the LUPC;” Exhibit 2.4_2023-08-11_ZP779A_Wolfden-AgencyReviewResponses.
- Direct Testimony of Jeremy Ouellette, Vice President of Project Development, Wolfden; Exhibit 11.70_2023-10-16_ZP779AHearingTranscript TechnicalSession.
- Pre-filed Testimony of Terry Thurston-Hill, Co-owner of Shin Pond Village; Exhibit 10.32_2023-09-25_Wolfden_Prefiledtestimony_TThurston-Hill.

D. Framework for discussion

The hearing record for this matter has testimony and evidence relating to the potential socioeconomic impacts of the Pickett Mountain Mine submitted primarily by the Applicant. Some public comments focused on aspects of socioeconomics not generally considered in the application: potential impacts to human health and negative socioeconomic impacts from mining activities generally.

Key to the staff analysis has been 1) the socioeconomic report provided by Stepwise Data Research as part of the application; 2) the review conducted by RBouvier Consulting, an economics consulting firm hired by the LUPC to review the application’s socioeconomic report; 3) direct testimony of Jeremy Ouellette; 4) the Pre-filed Testimony of Terry Thurston-Hill; 5) the Pre-filed Testimony of Stu Levit; and 6) the pre-filed testimony of Dr. Ann Maest.

Chapter 12, § 12(4)(B)(3)(a) requires that the Commission consider short- and long-term socioeconomic impacts for all phases of mine life, starting with construction. Staff have interpreted the use of “long term” and “resulting from the construction, operation and closure of the proposed activity” in Chapter 12, § 12(4)(B)(3)(a) to include the post-closure period.

Chapter 12, § 12(4)(B)(3)(a) and §12(4)(C)(1)(n) indicate that socioeconomic impacts must be considered at a range of geographic scales: the immediate area; communities within and adjacent to the Commission's jurisdiction likely to be affected by the proposed activities; the county; and the state. To decide whether the proposed zone change has no undue adverse impact on socioeconomic factors, Chapter 12 also requires consideration of the potential to avoid, minimize, or mitigate a potentially adverse impact [Chapter 12, § 12(4)(B)(3)].

In the metallic mineral mine rezoning and permitting process, consideration of a mine's potential impact on socioeconomics, regional economic viability, and the natural resource-based economy is limited to the zoning phase. The Commission's rules do not define "socioeconomics." Merriam-Webster defines "socioeconomic" as: "of, relating to, or involving a combination of social and economic factors" (<https://www.merriam-webster.com/dictionary/socioeconomic>).

The staff analysis identified a series of factors addressed in testimony and evidence during the hearing that, when assessed for credibility and weight to be given, will support the determination on whether the Pickett Mountain Mine has no undue adverse socioeconomic impact. The factors reflecting staff's preliminary weighing of the applicable evidence (designated by bold text) are summarized in the table in Appendix B.

With the above basis for discussion, the following questions are offered as a framework for the Commission to consider whether the Pickett Mountain Mine will have an undue adverse socioeconomic impact:

- Have all the significant factors been captured in the staff analysis?
- How would Commissioners answer and evaluate the central questions?
- Have the staff weighed the factors appropriately?

Answering the second question is essential to answering the third. The central question concerns the proposal's potential to have an undue adverse socioeconomic impact and whether more weight should be placed on the Applicant's socioeconomic report and available measures to avoid or minimize health and environmental impacts, or on evidence of potential negative socioeconomic impacts from mining activities and potential impacts from the project on human health.

V Wildlife Resources/Habitats

The following information provides guidance for the discussion of wildlife resources/ habitats, including the key standards and evidence in the record as well as framework questions that the staff believes will be helpful to the discussion.

A. Key standard:

1. 01-672 C.M.R. ch. 12, §12(4)(B)(3)(d).

When reviewing a petition to change a subdistrict to the D-PD Development Subdistrict for the purposes of metallic mineral mining or Level C mineral exploration activities and applying the statutory criteria for approval as set forth in B(1)(b) of this section [no undue adverse impact on existing uses or resources], the Commission shall consider the following potential impacts:

(d) Potential impacts to existing uses and natural resources including, but not limited to: forest resources; historic sites; wildlife and plant habitats; scenic resources; water resources; and recreation resources.

In considering these impacts and determining whether any adverse impact associated with the proposed rezoning is an undue adverse impact on existing uses or resources, the Commission shall consider the potential for a metallic mineral mining or Level C mineral exploration permittee to avoid, minimize, or mitigate to the extent permitted by law, a potentially adverse impact so that the resulting impact is not an undue adverse impact.

B. Key evidence in the record that could support a finding that the standard has not been met:

- Pre-filed Testimony of Cathy Johnson, Past Forests and Wildlife Project Director/Attorney, NRCM; Exhibit 10.35_2023-09-25_Intervenor2_PrefiledTestimony_CJohnson, and 10.36_2023-09-25_Intervenor2_PrefiledTestimonyAttachments_CJohnson.
- Review Comments from USFWS, included in Exhibit 26 of Wolfden's Application; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application.
- Public Comment from the Nature Conservancy; Exhibit 7.334_2023-11-02_TheNatureConservancy.

C. Key evidence in the record that could support a finding that the standard has been met:

- Wolfden Application for Zone Change, Exhibit 10 and Exhibit 26, including attached review comments from MDIFW and MNAP; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application.
- Pre-filed Testimony of Doug Stewart, Senior Principal, Environmental Services, Stantec; Exhibit 10.21_2023-09-25_Wolfden_Prefiledtestimony_DStewart.
- Wolfden Application for Zone Change, Attachment 14-A, Preliminary Economic Assessment (PEA) Report; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application, Attachment 14-A, Preliminary Economic Assessment (PEA) Report.

D. Framework for discussion

The hearing record for this matter has testimony and evidence relating to the potential impacts on wildlife and plant resources and habitats on and surrounding the Pickett Mountain Mine site. Key to the staff analysis has been 1) reviews by United States Fish and Wildlife Services, Maine Department of Inland Fisheries and Wildlife, and the Maine Natural Areas Program; 2) the pre-filed testimony of Doug Stewart; 3) the pre-filed testimony of Cathy Johnson; and 4) a public comment from The Nature Conservancy.

Chapter 12, §12(4)(B)(3)(d) requires that the Commission consider potential impacts to wildlife and plant resources and habitats. That section also requires consideration of the potential to avoid, minimize, or mitigate potentially adverse impacts.

In the metallic mineral mine rezoning and permitting process, consideration of a mine's potential impact on wildlife resources and habitats is not limited to the zoning stage. The DEP's Chapter 200 rules require review for protection of wildlife and unusual natural areas.

The staff analysis identified a series of factors addressed in testimony and evidence during the hearing that, when assessed for credibility and weight to be given, will support the determination of whether the Pickett Mountain Mine has no undue adverse impact on wildlife and plant resources and habitats. The factors reflecting staff's preliminary weighting (designated by bold text) are summarized in the table in [Appendix C](#).

With the above basis for discussion, the following questions are offered as a framework for the Commission to consider the potential for the Pickett Mountain Mine to have no undue adverse impact on natural character:

- Have all the significant factors been captured in the staff analysis?
- How would Commissioners answer the central question?
- Has the staff weighed the factors appropriately?

Answering the second question is essential to answering the third. The central question concerns whether more weight should be placed on the lack of identified significant wildlife habitats and imperiled botanical resources in the project area, the existing roads and logging activity, and further review of impacts to wildlife during the permitting stage, or to general concerns raised during the public hearing process regarding the potential for wildlife and habitat impacts from increased human activities in the area due to the proposed mining activities?

VI Natural Character

The following information provides guidance for the discussion of natural character, including the key standards and evidence in the record as well as framework questions that the staff believes will be helpful to the discussion.

A. Key standards:

1. Comprehensive Land Use Plan for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission, Revised 2010.

1.1. Vision for the Jurisdiction.

The Commission has identified four principal values that, taken together, define the distinctive character of the jurisdiction:...

Natural character, which includes the uniqueness of a vast forested area that is largely undeveloped and remote from population centers. Remoteness and the relative

absence of development in large parts of the jurisdiction are perhaps the most distinctive of the jurisdiction's principal values, due mainly to their increasing rarity in the Northeastern United States. These values may be difficult to quantify but they are integral to the jurisdiction's identity and to its overall character;

1.2 Goals and Policies.

The Commission's policies shall be directed toward the achievement of the vision for the jurisdiction and the following three broad goals:

3. Maintain the natural character of certain areas within the jurisdiction having significant natural values and primitive recreational opportunities;

2. 01-672 C.M.R. ch.12, §12(4)(B)(1)(a).

Pursuant to 12 M.R.S.A., Section 685-A(8-A) no change in a district boundary shall be approved by the Commission unless there is substantial evidence that:

(a) The change would be consistent with the standards for D-PD Development Subdistrict boundaries in effect at the time; the Comprehensive Land Use Plan; and the purpose, intent and provisions of 12 M.R.S.A. Chapter 206-A;

B. Key evidence in the record that could support a finding that the standard has not been met:

- Pre-filed Testimony of Doug Stewart, Senior Principal, Environmental Services, Stantec; Exhibit 10.21_2023-09-25_Wolfden_Prefiledtestimony_DStewart.
- Wolfden's Application for Zone Change, Attachment 21-A, WSP Traffic and Transportation Routes Memorandum; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application.
- Pre-Filed Testimony of Cathy Johnson, Past Forests and Wildlife Project Director/Attorney, NRCM; Exhibit 10.35_2023-09-25_Intervenor2_PrefiledTestimony_CJohnson, and 10.36_2023-09-25_Intervenor2_PrefiledTestimonyAttachments_CJohnson.
- Direct Testimony of Cathy Johnson, Past Forests and Wildlife Project Director/Attorney, NRCM; Exhibit 11.73_2023-10-17_ZP779AHearingTranscript Technical Session.
- Cross-examination of Cathy Johnson, Past Forests and Wildlife Project Director/Attorney, NRCM; Exhibit 11.73_2023-10-17_ZP779AHearing TechnicalSession, pp. 350- 369, 370- 380.

C. Key evidence in the record that could support a finding that the standard has been met:

- Wolfden's Application for Zone Change, Exhibit 16, Harmonious Fit and Natural Character; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application.
- Wolfden's Rebuttal Comments; Exhibit 12.6_2023-11-09_Wolfden_Rebuttal PublicComments.
- Tech Environmental Review Memo; Exhibit 6.3_2023-05-12_Noise_Assessment_Review_TechEnv.

- Wolfden Application for Zone Change, Attachment 14-A, Preliminary Economic Assessment (PEA) Report; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application.
- Wolfden's Application for Zone Change, Exhibit 21, Public Roads; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application.
- Pre-filed Testimony of Doug Stewart, Senior Principal, Environmental Services, Stantec; Exhibit 10.21_2023-09-25_Wolfden_Prefiledtestimony_DStewart.

D. Framework for discussion

The hearing record for this matter has testimony and evidence relating to the potential impacts on natural character of the Pickett Mountain Mine. Key to the staff analysis has been 1) the noise and visual impact assessments submitted in the Application; 2) the memo from Tech Environmental, a consulting firm hired by the LUPC to review the noise assessment; 3) the pre-filed testimony of Doug Stewart; 4) the traffic and transportation routes memo from WSP, 5) the pre-filed and direct testimony of Cathy Johnson; and 6) the cross-examination of Cathy Johnson.

The Commission's Comprehensive Land Use Plan (CLUP) identifies natural character as one of the four principal values defining the distinctive character of the jurisdiction, along with: the economic value of the jurisdiction derived from working forests and farmlands; diverse and abundant recreational opportunities; and diverse, abundant and unique high-value natural resources and features (CLUP, p. 2). The CLUP points out that the principal values do not exist in isolation of one another, stating that "[n]atural character, particularly that of remoteness, and diverse natural resources support and add to the other values, most notably the working forest and recreational opportunities. Natural resources are generally enhanced when they are part of a large, relatively undeveloped area, especially one that encompasses entire watersheds or ecosystems." The CLUP also points out that the principal values are not represented equally across the LUPC's jurisdiction.

In the metallic mineral mine rezoning and permitting process, consideration of certain aspects of a mine's potential impact on natural character is not limited to the zoning stage. The DEP's Chapter 200 rules require a review of potential visual and noise impacts, among other relevant standards.

The staff analysis identified a series of factors addressed in testimony and evidence during the hearing that, when assessed for credibility and weight to be given, will support the determination of whether the Pickett Mountain Mine has no undue adverse impact on natural character. The factors reflecting staff's preliminary weighting (designated by bold text) are summarized in the table in Appendix D.

With the above basis for discussion, the following questions are offered as a framework for the Commission to consider the potential for the Pickett Mountain Mine to have no undue adverse impact on natural character:

- Have all the significant factors been captured in the staff analysis?

- How would Commissioners answer the central question?
- Has the staff weighed the factors appropriately?

Answering the second question is essential to answering the third. The central question concerns the proposal's location within the jurisdiction, and its potential to have an undue adverse impact on natural character. Specifically, do Commissioners agree that the project site is not located in a remote area of the jurisdiction? Also, should more weight be placed on the Applicant's noise and scenic impact assessments; the conclusions of Tech Environmental's review; further review of noise, scenic impacts, and lighting during permitting; and the Project's close proximity to organized towns; or on the conversion of forest to industrial use and increased car and truck activity from mining operations.

VII Historic and Cultural Resources/ Relevant Tribal Impacts

The following provides guidance for the discussion of historic and cultural resources and relevant tribal impacts, including the key standards and evidence in the record and framework questions that staff believes will be helpful to the discussion.

A. Key standard- 01-672 C.M.R. ch. 12, § 4(B)(3).

... the Commission shall consider the following potential impacts:...

(d) Potential impacts to existing uses and natural resources including, but not limited to: forest resources; historic sites; wildlife and plant habitats; scenic resources; water resources; and recreation resources.

In considering these impacts and determining whether any adverse impact associated with the proposed rezoning is an undue adverse impact on existing uses or resources, the Commission shall consider the potential for a metallic mineral mining or Level C mineral exploration permittee to avoid, minimize, or mitigate to the extent permitted by law, a potentially adverse impact so that the resulting impact is not an undue adverse impact.

B. Key evidence in the record that could support a finding that the standard has not been met:

- Pre-filed Testimony of Dan Kusnierz, Water Resources Manager, Penobscot Nation; Exhibit 10.37_2023-09-25_Intervenor2_PrefiledTestimony_DKusnierz.
- Direct Testimony of Dan Kusnierz, Water Resources Manager, Penobscot Nation; Exhibit 11.76_2023-10-18_ZP779AHearingTranscript TechnicalSession, pp. 510- 529.
- Pre-filed Testimony of Isaac St. John, Tribal Historic Preservation Officer, Houlton Band of Maliseet Indians; Exhibit 10.43_2023-09-25_Intervenor2_PrefiledTestimony_IStJohn, and Exhibit 10.44_2023-09-25_Intervenor2_PrefiledTestimonyAttachments_IStJohn.
- Direct Testimony of Isaac St. John, Tribal Historic Preservation Officer, Houlton Band of Maliseet Indians; Exhibit 11.73_2023-10-17_ZP779AHearingTranscript TechnicalSession, pp. 342- 349.

C. Key evidence in the record supporting a finding that the standard has been met:

- Wolfden Application for Zone Change, Attachment 25-A, Phase 0 Assessment Report – Northeast Archaeology Research Center, Inc.; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application.
- Wolfden Application for Zone Change, Attachment 25-B, Email from Arthur Spiess, Senior Archaeologist, Maine Historic Preservation Commission; Exhibit 2.1_2023-01-18_ZP779A_Pickett_Mtn_ZoneChg_Application.
- Review Comments from Kirk F. Mohny, State Historic Preservation Officer, Maine Historic Preservation Commission; Exhibit 6.5_2023-06-05_PickettMtn_Review_MHPC.
- Pre-filed Testimony of Gemma-Jayne Hudgell, Co-Principal Investigator and Director of Northeast Archaeology Research Center (NE ARC); Exhibit 10.22_2023-09-25_Wolfden_Prefiledtestimony_GJHudgell.
- Wolfden Mt. Chase Zoning Petition to LUPC v1, January 26, 2020, Exhibit M, E-mail from Arthur Spiess, Senior Archaeologist, Maine Historic Preservation Commission, dated December 9, 2019. (See ZP779, Ex. 2.2_2020-01-27 Wolfden Mt. Chase LLC Zoning Petition to LUPC v1. The LUPC intends to take official notice of this non-confidential document from the agency record for ZP 779.)

D. Framework for discussion

The record of the hearing for the Application is extensive and includes testimony and evidence regarding the historic and cultural resources and relevant tribal impacts topic. To decide whether the proposed zone change has no undue adverse impact on historic and cultural resources, Chapter 12 requires consideration of the potential to avoid, minimize, or mitigate a potentially adverse impact. In this case, the cultural/tribal impacts of greatest concern are the potential impacts from acid rock drainage and metal leaching (ARD/ML) on water resources, which is a separate topic for deliberation. The historic resource impacts of greatest concern are the potential impacts on archaeologically sensitive areas (ASAs). Key to the analysis of potential impacts on ASAs is testimony and evidence regarding the potential to avoid and protect ASAs, or to complete data recovery excavations to mitigate any undue adverse impacts to significant archaeological resources.

The staff analysis identified the factors addressed in testimony and evidence during the hearing that, when assessed for credibility and weight to be given, will support the determination of whether the proposed rezoning has no undue adverse impact on historic and cultural resources. The factors reflecting staff's preliminary weighing of the applicable evidence (designated by bold text) are summarized in the table in Appendix E.

With that basis for discussion, the following questions are offered as a framework for the Commission to consider the potential for the Pickett Mountain Mine to avoid, minimize, or mitigate impacts on historic and cultural resources:

- Have all the significant factors been captured in the staff analysis?

- How would Commissioners answer and evaluate the central questions?
- Has the staff weighed the factors appropriately?

Answering the second question is essential to answering the third. One of the central questions relates to whether a phase 0 assessment is the appropriate level of information on historic resources at the zoning stage, whether more weight should be placed on the Maine Historic Preservation Commission's recommendations to have a phase 0 archaeological assessment done at the zoning stage, or on Isaac St. John's testimony regarding the need for more extensive archaeological studies to ensure there are no impacts. The other central question relates to whether the primary concerns for considering cultural resources and relevant tribal impacts relate to the potential impacts on water resources, and whether it would be more appropriate to consider cultural resource concerns under the separate water resources topic.

VIII Water and Fish Resources/ Aquatic Habitats

The following provides guidance for the discussion of water and fish resources and aquatic resources, including the key standard and evidence in the record and framework questions that staff believes will be helpful to the discussion.

A. Key standard- 01-672 C.M.R. ch. 12, § 4(B)(3).

... the Commission shall consider the following potential impacts:...

- (d) Potential impacts to existing uses and natural resources including, but not limited to: forest resources; historic sites; wildlife and plant habitats; scenic resources; water resources; and recreation resources.

In considering these impacts and determining whether any adverse impact associated with the proposed rezoning is an undue adverse impact on existing uses or resources, the Commission shall consider the potential for a metallic mineral mining or Level C mineral exploration permittee to avoid, minimize, or mitigate to the extent permitted by law, a potentially adverse impact so that the resulting impact is not an undue adverse impact.

B. Key evidence in the record that could support a finding that the standard has not been met:

- Pre-filed Testimony of Dan Kusnierz, Water Resources Manager, Penobscot Nation; Exhibit 10.37_2023-09-25_Intervenor2_PrefiledTestimony_DKusnierz, and 10.38_2023-09-25_Intervenor2_PrefiledTestimonyAttachments_DKusnierz.
- Direct Testimony of Dan Kusnierz, Water Resources Manager, Penobscot Nation; Exhibit 11.76_2023-10-18_ZP779AHearingTranscript TechnicalSession, pp. 510- 529.
- Comments of David Courtemanch, former Director, Division of Environmental Assessment, Maine Department of Environmental Protection; Exhibit 7.310_2023-11-01_DCourtemanch.

- Pre-filed Testimony of Dr. Ann Maest, Vice President, Buka Environmental; Exhibit 10.41_2023-09-25_Intervenor2_PrefiledTestimony_AMaest, and 10.42_2023-09-25_Intervenor2_PrefiledTestimonyAttachments_AMaest.
- Direct Testimony of Ann Maest, Vice President, Buka Environmental; Exhibit 11.73_2023-10-17_ZP779AHearingTranscript TechnicalSession, pp.383-416.
- Cross-Examination of Ann Maest, Vice President, Buka Environmental; Exhibit 11.73_2023-10-17_ZP779AHearingTranscript TechnicalSession, pp.416-439, 442-446.

C. Key evidence in the record supporting a finding that the standard has been met:

- Pre-filed Testimony of Don Dudek, Vice President Exploration, Wolfden; Exhibit 10.27_2023-09-25_Wolfden_PrefiledTestimony_DDudek.
- Direct Testimony of Don Dudek, Vice President Exploration, Wolfden; Exhibit 11.70_2023-10-16_ZP779AHearingTranscript TechnicalSession, pp.116-128.
- Pre-filed Testimony of Doug Stewart, Senior Principal, Environmental Services, Stantec; Exhibit 10.21_2023-09-25_Wolfden_PrefiledTestimony_DStewart.
- Direct Testimony of Doug Stewart, Senior Principal, Environmental Services, Stantec; Exhibit 11.73_2023-10-17_ZP779AHearingTranscript TechnicalSession, pp.268-273.
- Pre-filed Testimony of Dr. Jim Finley, Principal Geochemist, Stantec; Exhibit 10.26_2023-09-25_Wolfden_PrefiledTestimony_JFinley.
- Direct Testimony of Dr. Jim Finley, Principal Geochemist, Stantec; Exhibit 11.70_2023-10-16_ZP779AHearingTranscript TechnicalSession, pp.129-159.
- Redirect Examination of Dr. Jim Finley, Principal Geochemist, Stantec; Exhibit 11.76_2023-10-18_ZP779AHearingTranscript TechnicalSession, pp.543-551, 585-592.
- Pre-filed Testimony of Jeremy Ouellette, Vice President of Project Development, Wolfden; Exhibit 10.20_2023-09-25_Wolfden_Prefiledtestimony_JOuellette, Exhibit A, Chapter 200 Supplemental Reports and Studies, PDF pp. 1-3.
- Wolfden's Rebuttal Comments; Exhibit 12.6_2023-11-09_Wolfden_RebuttalPublicComments.

D. Framework for discussion

The record of the hearing for the Application is extensive, with substantial testimony and evidence regarding the water and fish resources/ aquatic habitats topic. To decide whether the proposed zone change will have no undue adverse impact on water resources, Chapter 12 requires consideration of the potential to avoid, minimize, or mitigate a potentially adverse impact. In this case, the impact of greatest concern is acid rock drainage and metal leaching (ARD/ML) on water resources. Key to the analysis on this topic is testimony and evidence regarding the potential to avoid or mitigate the generation of ARD/ML.

The staff analysis identified a series of factors addressed in testimony and evidence during the hearing that, when assessed for credibility and weight to be given, will support the

determination of whether the proposed rezoning has no undue adverse impact on water resources. The factors reflecting staff's preliminary weighing of the applicable evidence (designated by bold text) are summarized in the table in [Appendix F](#).

With that basis for discussion, the following questions are offered as a framework for the Commission to consider the potential for the Pickett Mountain Mine to avoid, minimize, or mitigate impacts on water resources:

- Have all the significant factors been captured in the staff analysis?
- How would Commissioners evaluate the central question?
- Have the staff weighed the factors appropriately?

Answering the second question is essential to answering the third. The central question relates to the credibility of testimony provided by the two expert witnesses on geochemistry, Dr. Ann Maest and Dr. Jim Finley. Regarding the potential to avoid and mitigate ARD/ML, Dr. Maest concludes that it is extremely difficult and has never been done to the level required under the Department of Environmental Protection's Chapter 200 Rules. Dr. Finley argues that the Pickett Mountain Mine can be implemented to achieve the performance standards of Chapter 200 using modern-era geochemical characterizations that can inform the selection of mitigation measures and technological improvements in those measures developed by the mining industry over time.

Appendix A

Deliberation Table for Financial Practicability

Financial Practicability

Key Criteria and References

“A land use district boundary may not be adopted or amended unless there is substantial evidence that:...The proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan and the purpose, intent and provisions of this chapter...”. 12 M.R.S. § 685(A)(8-A).

"The purpose of the D-PD subdistrict is to allow for large scale, well-planned development" proposals for which the Commission will consider provided they "can be shown to be of high quality and not detrimental to other values" of the Commission's jurisdictional area. 01-672 C.M.R. ch. 10, §10.21(H)(1).

“Whether a project is technically feasible and financially practicable is a particularly important consideration for a custom zone, such as a D-PD subdistrict, that will be specifically established for a single large-scale development project. A project that is not technically feasible and financially practicable is not a well-planned or high-quality development and therefore would not satisfy the requirements of 01-672 C.M.R. ch. 12, § 4(B)(l)(a) or 4(C)(l)(p).” ZP779, Exhibit 4.5_2020-03-06_LUPC Letter AdInfo Request 1. (LUPC intends to take official notice of this non-confidential agency record.)

Note: The statutory decision-making criteria for zone changes in 12 M.R.S. § 685(A)(8-A) and the standards for mining D-PDs in Chapter 12 do not require a demonstration of the financial capacity or technical ability of the applicant.

Reference	Supports approval	Central Questions	Supports denial
Guide for Deliberation, Part III, pages 1 - 3	Role of a junior vs. major mining company	<ul style="list-style-type: none"> Is a PEA the appropriate level of information for financial practicability at the zoning stage? Should more weight be placed on the PEA’s conclusions and the Chapter 200 requirements, OR Stu Levit's comments regarding the unproven mineral resource and record evidence on metal prices and volatility? 	Unproven mineral resource
	Experience of individual Wolfden employees		Metal demand/ price/ volatility
	Preliminary Economic Assessment (PEA)		Impacts of inflation on projected construction and operational costs
	SWCA’s review of the PEA		
	Chapter 200 requirements		

- Have all the significant factors been captured?
- How would Commissioners answer and evaluate the central questions?
- Has the staff weighed the factors appropriately?

Appendix B

Deliberation Table for Socioeconomics

Socioeconomics

Key Criteria and References (emphasis added below)

“When reviewing a petition to change a subdistrict to a D-PD Development Subdistrict for the purposes of metallic mineral mining...the Commission...shall consider the following factors when determining consistency with the purpose, intent and provisions of 12 M.R.S.A. Chapter 206-A: (a) Positive and negative impacts upon the areas within and adjacent to the Commission's jurisdiction resulting from the change in use and development of the area. Such impacts may include, but are not limited to, *impacts to regional economic viability, Maine's natural resource-based economy*, local residents and property owners, ecological and natural values, recreation, and public health, safety, and general welfare.” 01-672 C.M.R. ch. 12, § 4(B)(2)(a).

“When reviewing a petition to change a subdistrict to D-PD Development Subdistrict for the purposes of metallic mineral mining or Level C mineral exploration activities and applying the statutory criteria for approval as set forth in B(1)(b) of this section, the Commission shall consider the following potential impacts: (a) *Potential short and long term socioeconomic impacts, both positive and negative*, upon the immediate area and communities likely to be affected by the proposed activities and resulting from the construction, operation and closure of the proposed activity.” 01-672 C.M.R. ch. 12, § 4(B)(3)(a).

“In considering these impacts and determining whether any adverse impact associated with the proposed rezoning is an undue adverse impact on existing uses or resources, the Commission shall consider the *potential* for a metallic mineral mining ... permittee *to avoid, minimize, or mitigate* to the extent permitted by law, a potentially adverse impact so that the resulting impact is not an undue adverse impact.” 01-672 C.M.R. ch. 12, § 4(B)(3).

Reference	Supports approval	Central Question	Supports denial
Guide for Deliberation, Part IV, pages 4 - 6	Depressed local economy/ direct spending in the region	<ul style="list-style-type: none"> Should more weight be placed on the conclusions of the Stepwise Report, Rachel Bouvier’s review, and the Chapter 200 requirements; OR on the past records of the mining industry and potential impacts on human health? 	Potential overestimation of locally filled jobs/ best-case-scenario assessment of socioeconomic impacts
	Economic Assessment of the Proposed Pickett Mine Project, prepared by Stepwise Data Research (Stepwise Report)		Limited project life
	Conclusions of RBouvier Consulting, LUPC economic consultant		Potential for ARD/ML generation; human health effects
	Local resolutions/ Ms. Thurston Hill's testimony		History of boom-bust cycles in mining operations worldwide
	Chapter 200 requirements		

- Have all the significant factors been captured in the staff analysis?
- How would Commissioners answer and evaluate the central question?
- Has the staff weighed the factors appropriately?

Appendix C

Deliberation Table for Wildlife Resources/ Habitats

Wildlife Resources/ Habitats

Key Criteria and References: (emphasis added below)

“When reviewing a petition to change a subdistrict to D-PD Development Subdistrict for the purposes of metallic mineral mining or Level C mineral exploration activities and applying the statutory criteria for approval as set forth in B(1)(b) of this section, the Commission shall consider the following potential impacts:

(d) Potential impacts to existing uses and natural resources including, but not limited to: forest resources; historic sites; wildlife and plant habitats; scenic resources; water resources; and recreation resources.” 01-672 C.M.R. ch. 12, §12(4)(B)(3)(d).

Reference	Supports approval	Central Question(s)	Supports denial
Guide for Deliberation, Part V, pages 6 - 8	Limited size of the proposed cleared area	<ul style="list-style-type: none"> Should more weight be given to the lack of identified significant wildlife habitats and imperiled botanical resources in the project area, existing roads and logging activity, and Chapter 200 requirements; or to the potential for wildlife and habitat impacts more generally from the proposed mining activities? 	Potential effects of increased traffic, blasting, fencing, lighting, and noise on wildlife
	The project area lacks significant identified wildlife habitats; has low potential for imperiled botanical resources		Canada Lynx critical habitat overlaps project area
	No known Northern Long-Eared Bat hibernacula in the project vicinity; proposal to time clearing to minimize impacts on bats		Part of a larger geographic area that is significant for supporting species migration, climate resiliency, and biodiversity
	Proposed 75’ buffer zone around wetlands, streams, and vernal pools; proposal to maintain current hydrology		
	Existing roads and logging activity		
	Limited project duration and potential for beneficial reclamation		
	Chapter 200 requirements		

- Have all the significant factors been captured in the staff analysis?
- How would Commissioners answer the central question?
- Has the staff weighed the factors appropriately?

Appendix D

Deliberation Table for Natural Character

Natural Character

Key Criteria and References: Comprehensive Land Use Plan for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission, revised 2010.

1.1. Vision for the Jurisdiction – “The Commission has identified four principal values that, taken together, define the distinctive character of the jurisdiction:.... **Natural character**, which includes the uniqueness of a vast forested area that is largely undeveloped and remote from population centers. Remoteness and the relative absence of development in large parts of the jurisdiction are perhaps the most distinctive of the jurisdiction's principal values, due mainly to their increasing rarity in the Northeastern United States. These values may be difficult to quantify but they are integral to the jurisdiction's identity and to its overall character.” (CLUP, p. 2)

1.2 Goals and Policies – “The Commission's policies shall be directed toward the achievement of the vision for the jurisdiction and the following three broad goals:...

3. Maintain the natural character of certain areas within the jurisdiction having significant natural values and primitive recreational opportunities.” CLUP, p. 5.

Reference	Supports approval	Central Question	Supports denial
Guide for Deliberation, Part VI, pages 8 - 11	Buffering requirements within the zone and relatively small footprint/development area (~129 acres cleared)	<ul style="list-style-type: none"> Do you agree the proposed location is appropriate for the proposed development and the balance of the evidence shows there will be no undue adverse impact on natural character? 	The project site and surrounding area are forested.
	Preliminary outdoor lighting schematic; truck transportation during daytime hours		Proposal converts 129 acres to an industrial use
	Wolfden’s viewshed analysis and noise assessment; conclusions of Tech Environmental, LUPC consultant		Increased car and truck activity in the area
	DEP Chapter 200/ LUPC Chapter 13 reviews		
	Short project life; potential for beneficial reclamation		
	Located close to organized towns and a State road; not a remote location		

- Have all the significant factors been captured in the staff analysis?
- How would Commissioners answer the central question?
- Has the staff weighed the factors appropriately?

Appendix E

Deliberation Table for
Historical and Cultural Resources/ Relevant Tribal
Impacts

Historical and Cultural Resources/ Relevant Tribal Impacts

Key Criteria and References (emphasis added below)

The Commission's actions must be guided by the following goals and policies:

“[i]dentify and protect unique, rare and representative cultural resources to preserve their educational, scientific and social values...[c]ollaborate with other agencies, groups and landowners in efforts aimed at the protection of cultural resources...[c]onsistently require the completion of archaeological surveys for large development proposals.” Comprehensive Land Use Plan for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission, rev. 2010, p. 13.

“Regulate mining operations to minimize water, air, land, noise and visual pollution, to ensure public safety and health, and to avoid undue adverse impacts on fisheries, wildlife, botanical, natural, historic, archaeological, recreational and socioeconomic values.” CLUP, p. 15.

“...the Commission shall consider the following potential impacts:...Potential impacts to existing uses and natural resources including, but not limited to: ...historic sites; ...water resources; ...In considering these impacts and determining whether any adverse impact associated with the proposed rezoning is an undue adverse impact on existing uses or resources, the Commission shall consider the *potential* for a metallic mineral mining ... permittee *to avoid, minimize, or mitigate* to the extent permitted by law, a potentially adverse impact so that the resulting impact is not an undue adverse impact.” 01-672 C.M.R. ch. 12, §4(B)(3).

Reference	Supports approval	Central Questions	Supports denial
Guide for Deliberation, Part VII, pages 11 - 13	The initial survey recommendation of the Maine Historic Preservation Commission (MHPC)	<ul style="list-style-type: none"> For historic resources, should more weight be placed on MHPC’s review and mitigation measures to protect historic resources or on the need for a more detailed survey at this stage of the project? Are the primary concerns for cultural resources and relevant tribal impacts the potential impacts on water resources, and therefore, more appropriately considered under that separate topic? 	Potential to find additional historic resources
	The Northeast Archaeology Research Center, Inc., Phase 0 Assessment Report (Phase 0 Report)		Inaccuracy of predictive models
	The MHPC acceptance of the Phase 0 Report		
	Available mitigation measures to avoid, protect, or excavate and remove archaeological resources		

- Have all the significant factors been captured?
- How would Commissioners answer and evaluate the central questions?
- Has the staff weighed the factors appropriately?

Appendix F

Deliberation Table for
Water and Fish Resources/ Aquatic Habitats

Water and Fish Resources/ Aquatic Habitats

Key Criteria and References (emphasis added below)

“...to demonstrate to the satisfaction of the Commission that a petition meets the criteria..., a petition ...must, at a minimum, contain the following:... A description of general measures that may be undertaken to assure that mining in the specified location will not have undue adverse impacts on existing uses and resources and measures that a permittee may take to avoid, minimize or mitigate any adverse impacts...” 01-672 C.M.R. ch. 12, § 4(C)(1)(m)

“The decisions that the Commission is making on the types of information needed during rezoning are aimed at determining what resources are going to be impacted by a mine and if those impacts pose a risk that is too great to allow rezoning to go forward. The Commission has not in general asked for highly technical information that will be required by DEP as part of their more technical site review.” Basis Statement and Summary of Comments for Proposed Amendments to Chapter 12, p. 29.

“In considering these impacts and determining whether any adverse impact associated with the proposed rezoning is an undue adverse impact on existing uses or resources, the Commission shall consider the potential for a metallic mineral mining ... permittee to avoid, minimize, or mitigate to the extent permitted by law, a potentially adverse impact so that the resulting impact is not an undue adverse impact.” 01-672 C.M.R. ch. 12, § 4(B)(3).

Reference	Supports approval	Central Question	Supports denial
Guide for Deliberation, Part VIII, pages 13 - 15	Modest size/ near-vertical geometry	Which should carry more weight: <ul style="list-style-type: none"> Dr. Maest’s testimony that predictive models are inaccurate and no mine has been able to achieve the necessary level of protection, OR Dr. Finley’s testimony on modern-era geochemical characterizations, technological improvements, and current Chapter 200 rule requirements 	High-quality water nearby (Class A, sustenance fishing, cultural value)
	Buffers/ distance to lakes and rivers		Important fisheries downstream (wild brook trout, Atlantic salmon, cultural value)
	Available prevention/ mitigation measures		Potential for ARD/ML generation
	Modern-era technology/ geochemical characterizations		Inaccuracy of predictive models
	Chapter 200 requirements		History of mine operations

- Have all the significant factors been captured?
- How would Commissioners evaluate the central question?
- Has the staff weighed the factors appropriately?

Attachment B

ZP779A Public Hearing List of Exhibits

Maine Land Use Planning Commission
Department of Agriculture, Conservation and Forestry



HEARING RECORD CONCERNING

**ZP779A, ZONING PETITION FILED BY WOLFDEN MT CHASE, LLC,
PICKETT MOUNTAIN TRACT, METALLIC MINERAL MINE, T6 R6 WELS**

List of Exhibits (12/01/2023)

Exh. #	Date Received/Posted	Description
1. Statutes and Rules		
1.1.		Statute Administered by the Land Use Planning Commission: Title 12 M.R.S., Chapter 206-A, Amended Effective 8/8/2022
1.2.		Fee Schedule, Chapter 1 of the Commission's Rules, Amended Effective 11/1/2021
1.3.		Definitions, Chapter 2 of the Commission's Rules, Amended Effective 08/11/2023
1.4.		Rules of Practice, Chapter 4 of the Commission's Rules, Amended Effective 08/11/2023
1.5.		Rules for the Conduct of Public Hearings, Chapter 5 of the Commission's Rules, Amended Effective 11/1/2021
1.6.		Land Use Districts and Standards, Chapter 10 of the Commission's Rules, Amended Effective 08/11/2023
1.7.		Mining and Level C Mineral Exploration Activities, Chapter 12 of the Commission's Rules, Amended Effective 05/27/2013
1.8.		Comprehensive Land Use Plan (CLUP) for Areas Within the Jurisdiction of the Maine Land Use Planning Commission, 2010
2. Application for Zone Change		
2.1.	1/18/2023	Wolfden Mt. Chase LLC Application for Zone Change
2.2.	3/7/2023	Wolfden Mt. Chase LLC Errata for Wetland and Watercourse Delineation and Potential Vernal Pool Survey Report, Application Exhibit 6, Attachment 6A
2.3.	4/13/2023	Wolfden Mt. Chase LLC Response to LUPC 2/24/2023 Request for Additional Information

- 2.4. 8/11/2023 Wolfden Mt. Chase LLC Response to LUPC 7/13/2023 Request for Additional Information and Agency Reviews

3. Public Notice

- 3.1. 1/20/2023 Public Notice Documentation Form
- 3.2. 1/20/2023 DACF-LUPC Press Release
- 3.3. 1/20/2023 LUPC ZP779A Project-Specific Webpage
- 3.4. 2/24/2023 DACF-LUPC Press Release
- 3.5. 2/24/2023 LUPC ZP779A Project-Specific Webpage, updated 2/23/2023
- 3.6. 4/14/2023 LUPC GovDelivery – Wolfden Response Received
- 3.7. 6/7/2023 Initial Public Hearing Notice from the Houlton Pioneer Times and Bangor Daily News
- 3.8. 6/7/2023 Initial Public Hearing Notice sent to LUPC Pickett Mountain Mine GovDelivery Subscription List
- 3.9. 6/7/2023 Initial Public Hearing Notice sent by USPS and by Email
- 3.10. 7/12/2023 LUPC ZP779A Project-Specific Webpage, updated 6/8/2023
- 3.11. 7/18/2023 LUPC GovDelivery – Reviews by Technical consultants and Other Agencies Posted
- 3.12. 8/22/2023 LUPC ZP779A Project-Specific Webpage, updated 7/21/2023
- 3.13. 8/28/2023 LUPC GovDelivery – Wolfden Response Received
- 3.14. 8/28/2023 LUPC ZP779A Project-Specific Webpage, updated 8/25/2023
- 3.15. 9/15/2023 Notice of Public Hearing – LUPC GovDelivery
- 3.16. 9/15/2023 Notice of Public Hearing sent by USPS and by Email
- 3.17. 9/22/2023 Additional Notice of Public Hearing – LUPC GovDelivery
- 3.18. 9/22/2023 Notice of Bangor Public Comment Session – LUPC GovDelivery
- 3.19. 9/29/2023 LUPC GovDelivery – Pre-Filed Testimony Posted
- 3.20. 9/29/2023 LUPC ZP779A Project-Specific Webpage, updated 9/28/2023
- 3.21. 10/11/2023 LUPC GovDelivery – Millinocket Hearing Schedule
- 3.22. 10/13/2023 LUPC GovDelivery – Livestream Link for Hearing
- 3.23. 10/13/2023 LUPC ZP779A Project-Specific Webpage, updated 10/12/2023
- 3.24. 10/16/2023 LUPC GovDelivery – Updated Link for Livestream of Hearing
- 3.25. 11/3/2023 LUPC GovDelivery – Public Comments Posted
- 3.26. 11/8/2023 LUPC ZP779A Project-Specific Webpage, updated 11/7/2023

4. Correspondence and Meeting Notes

- 4.1. 1/24/2023 Penobscot County Hearing Request Letters
- 4.2. 1/30/2023 LUPC Letter to Penobscot County
- 4.3. 2/24/2023 LUPC Letter to Wolfden Mt Chase LLC Requesting Additional Information
- 4.4. 7/13/2023 LUPC Letter to Wolfden Mt Chase LLC Requesting Additional Information and Providing Agency Reviews, Contractor Reviews, and Petitions to Intervene
- 4.5. 9/14/2023 Legislators' Letter Requesting Additional Public Comment Session

5. Commission Meetings

- 5.1 12/1/2023 Commission Memo and Deliberation Materials for December 13, 2023 Commission Meeting

6. Agency and Contractor Review

- 6.1. 5/5/2023 MNAP Review Comments
- 6.2. 5/9/2023 Passamaquoddy Tribal Historic Preservation Office Review Comments
- 6.3. 5/12/2023 Tech Environmental Review of Noise Assessment
- 6.4. 5/24/2023 SWCA Letter Updating Review of the Preliminary Economic Assessment
- 6.5. 6/5/2023 MHPC Review Comments
- 6.6. 5/31/2023 D. Rocque Review of Soil Suitability
- 6.7. 6/8/2023 Penobscot County Commissioners' Review
- 6.8. 6/12/2023 Penobscot County UT Director's Review
- 6.9. 6/13/2023 Bureau of Parks and Lands, Outdoor Recreation Review Comments
- 6.10. 6/15/2023 Maine Geological Survey Review Comments
- 6.11. 6/16/2023 Maine Forest Service Review
- 6.12. 6/27/2023 Maine Department of Inland Fisheries and Wildlife Review Comments
- 6.13. 7/5/2023 Maine Department of Environmental Protection Review Comments
- 6.14. 7/10/2023 RBouvier Review of Socioeconomic Assessment
- 6.15. 8/14/2023 Penobscot County Sheriff Review Comments
- 6.16. 10/25/2023 Penobscot County Sheriff Review Comments
- 6.17. 11/7/2023 Maine Department of Inland Fisheries and Wildlife Comment on Eastern Wolf

7. Public Comment

- 7.1. 8/11/2022 C. Heath
- 7.2. 8/11/2022 C. Heath
- 7.3. 1/21/2023 G. Flanders
- 7.4. 1/27/2023 G. Roth
- 7.5. 2/24/2023 N. Seavey
- 7.6. 2/24/2023 M. Grant
- 7.7. 2/25/2023 S. Sprague
- 7.8. 2/26/2023 J. Banks
- 7.9. 2/27/2023 E. Teeple
- 7.10. 2/27/2023 B. Oliver
- 7.11. 2/27/2023 J. Slama
- 7.12. 2/28/2023 R. Richard
- 7.13. 3/07/2023 C. McDonald
- 7.14. 3/08/2023 D. Rice
- 7.15. 3/17/2023 Haymart AgriCal
- 7.16. 3/20/2023 R. Bossie
- 7.17. 3/23/2023 E. Thompson
- 7.18. 3/24/2023 J. Packard
- 7.19. 3/25/2023 B. Webb
- 7.20. 3/25/2023 S. Webb
- 7.21. 3/28/2023 C. Shorey
- 7.22. 3/28/2023 B. and B. Shorey
- 7.23. 3/28/2023 G. Lovet
- 7.24. 3/28/2023 G. Smallwood
- 7.25. 4/03/2023 K. Smallwood
- 7.26. 4/08/2023 T. Thurston-Hill
- 7.27. 4/11/2023 P. and M. Smallwood
- 7.28. 4/12/2023 S. Anderson
- 7.29. 4/12/2023 T. Clippinger
- 7.30. 4/12/2023 M. Reddy

- 7.31. 4/14/2023 B. Lincoln
- 7.32. 4/18/2023 G. Flanders
- 7.33. 4/21/2023 K. Potter
- 7.34. 4/24/2023 T. Potter
- 7.35. 5/01/2023 A. Stevens
- 7.36. 5/08/2023 P. Resident
- 7.37. 6/12/2023 D. Brown
- 7.38. 6/12/2023 N. Brown
- 7.39. 6/22/2023 S. Rowbotham
- 7.40. 6/28/2023 Multiple Interested Persons - Reject Wolfden's Disastrous Mine Proposal at Pickett Mountain I
- 7.41. 6/28/2023 L. Moceus
- 7.42. 6/28/2023 R. Rutkowski
- 7.43. 6/28/2023 C. Wilcoxon
- 7.44. 6/29/2023 C. Grimmel
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8. LUPC Exhibits

- 8.1. 7/18/2023 Exhibit 4.3 from ZP779, Phone Notes from Call with K. Moselle, Alaska Department of Natural Resources
- 8.2. 7/18/2023 Exhibit 4.10 from ZP779, LUPC Memorandum Regarding Pickett Mountain Site Visit, Clayton’s Copper Butterfly, and Shrubby Cinquefoil
- 8.3. 7/18/2023 Exhibit 6.4 from ZP779, Penobscot County Review Comments Regarding Police Services
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- 10.2. 6/28/2023 Tribes and Nonprofits Petition to Intervene (Intervenor 2)
- 10.3. 7/18/2023 Maine Audubon Interested Person Request Letter
- 10.4. 7/26/2023 Tribes and Nonprofits List of Hearing Topics
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- 10.7. 7/28/2023 Agenda for First Pre-hearing Conference
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- 11.8. 10/16/2023 Intervenor 2 Ex. 1.1 – Contrarian Podcast, 3/4/2021, The Case for Precious Metals Miners, with Sean Fieler (audio file)
- 11.9. 10/16/2023 Intervenor 2 Exs. 3.1 & 3.2 – Mines and Money Interview, 9/4/2022, Fireside Chat with Sean Fieler (video file)
- 11.10. 10/16/2023 Intervenor 2 Exs. 9.3, 9.4, & 9.6 – Crux Investor Interview, 2/5/2021, Ron Little, Big Silver Breccia adds to High Grade Zinc Story (video file)
- 11.11. 10/16/2023 Intervenor 2 Exs. 8.1 & 8.2 – Crux Investor Interview, 10/2/2020, Ron Little, Wolfden Resources Mining Zinc and Silver in Maine (video file)
- 11.12. 10/16/2023 Intervenor 2 Ex. 24 – Slide from Wolfden CEO Update, 9/14/2020, Wolfden Positioned for Rapid Development
- 11.13. 10/16/2023 Intervenor 2 Ex. 5.4 – The Jay Martin Show, 2/6/2019, Ron Little, Wolfden Resources, First Mover in Maine (video file)
- 11.14. 10/16/2023 Intervenor 2 Exs. 6.3 & 6.4 – Wolfden CEO Update, Ron Little, 9/14/2020 (video file)
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- 11.21. 10/16/2023 Intervenor 2 Ex. 26 – Mining Weekly, 2/27/2015, Halfmile Mine, Canada
- 11.22. 10/16/2023 Intervenor 2 Ex. 27 – CBC News, 1/11/2023, Financial Collapse of Caribou Mine Owner Raises Alarm Over Potential Cleanup Cost
- 11.23. 10/16/2023 Intervenor 2 Ex. 28 – CBC News, 1/26/2023, New Brunswick Takes Control of Caribou Mine as Owner Goes into Receivership
- 11.24. 10/16/2023 Intervenor 2 Ex. 29 – NB Media Co-Op, 1/30/2023, Commentary: Mining Executives Get Millions in Compensation, Public Left Holding the Bag
- 11.25. 10/16/2023 Intervenor 2 Ex. 30 – Reuters, 9/14/2022, Burkina Faso Court Finds Execs at Trevali Mine Guilty of Involuntary Manslaughter
- 11.26. 10/16/2023 Intervenor 2 Ex. 31 – Reuters, 9/24/2022, Trevali to Close Burkina Faso Perkoa Zinc Mine After Deadly Flood
- 11.27. 10/16/2023 H. Stewart – Public Testimony
- 11.28. 10/16/2023 K. Javner – Public Testimony
- 11.29. 10/16/2023 A. Bolstridge – Public Testimony
- 11.30. 10/16/2023 National Parks Conservation Association – Public Testimony
- 11.31. 10/17/2023 Wolfden Ex. 26 – Natural Character and Resources, Doug Stewart
- 11.32. 10/17/2023 Intervenor 2 Ex. 63 – Economic Contributions of Coastal Maine Botanical Gardens, Report by Michael LeVert, 7/11/2022
- 11.33. 10/17/2023 Intervenor 2 Ex. 42 – National Park Service News Release, 6/10/2021, tourism to Katahdin Woods and Waters National monument Creates \$3.3 Million in Economic Benefits
- 11.34. 10/17/2023 Intervenor 2 Ex. 57 – Portland Press Herald, Letter to the Editor, 2/10/2023, Maine Forest Products Industry Welcomes Movement on Work Authorization
- 11.35. 10/17/2023 Intervenor 2 Ex. 69 – Simply Wall St., 10/12/2023, Wolfden Resources Current Market Cap
- 11.36. 10/17/2023 Intervenor 2 Ex. 36 – Toronto Stock Exchange, 3/7/2018, Mining Disclosure Essentials
- 11.37. 10/17/2023 Intervenor 2 Ex. 50 – Presentation, Cathy Johnson
- 11.38. 10/17/2023 Intervenor 2 Ex. 46 – Presentation, Isaac St. John
- 11.39. 10/17/2023 Wolfden Ex. 28 – 12 M.R.S. §681. Purpose and Scope
- 11.40. 10/17/2023 Wolfden Ex. 27 – LUPC, 4/8/2013, Chapter 12 Basis Statement
- 11.41. 10/17/2023 Wolfden Ex. 29 – KWW, 3/13/2020, Dark Sky Application

- 11.42. 10/17/2023 Intervenor 2 Ex. 54 – Pickett Mountain Deposit, Maine: Geochemical Issues, Ann Maest
- 11.43. 10/17/2023 Intervenor 2 Ex. 55 – Witness Statement of Ann Maest, 4/12/13, Case 1:11-cv-00691-LAK-JCF, Document 1007-1
- 11.44. 10/17/2023 Wolfden Ex. 30 – Photos of Zortman Landusky Mine
- 11.45. 10/17/2023 B. Bridgeo – Public Testimony
- 11.46. 10/17/2023 R. Phillips – Public Testimony
- 11.47. 10/17/2023 MA. Mowry – Public Testimony
- 11.48. 10/17/2023 S. Adams – Public Testimony
- 11.49. 10/17/2023 P. Lyford – Public Testimony
- 11.50. 10/18/2023 Intervenor 2 Ex. 48 - LUPC Hearing on Pickett Mountain Mine Rezoning Application, Dan Kusnierz, Water Resources Program Manager, Penobscot Nation
- 11.51. 10/18/2023 Wolfden Ex. 31 – Aerial Photographs of Halfmile Mine, Headframe Examples
- 11.52. 10/18/2023 Intervenor 2 Ex. 35 – US Office of Public Affairs Press Release, 1/21/2022, Federal Government and State of Colorado Settlement with Mining Companies Paves Way for Additional Cleanup at Bonita Peak Mining District Superfund Site
- 11.53. 10/18/2023 Intervenor 2 Ex. 34 – Law360, 3/27/2018, Kinross Gold Settles with SEC Over Foreign Bribery Claims
- 11.54. 10/18/2023 Intervenor 2 Ex. 14 - Wolfden Resources Corporation, 4/27/2021, Management's Discussion & Analysis of Financial Condition and Results of Operations, Form 51-102F1, For the Years Ended December 31, 2020 and 2019
- 11.55. 10/23/2023 G. Adams – Public Testimony
- 11.56. 10/23/2023 Appalachian Mountain Club – Public Testimony
- 11.57. 10/23/2023 C. Perkins – Public Testimony
- 11.58. 10/23/2023 M. Obomsawin – Public Testimony
- 11.59. 10/23/2023 K. Westcott – Public Testimony
- 11.60. 10/23/2023 Atlantic Salmon Federation – Public Testimony
- 11.61. 10/23/2023 N. Grohoski – Public Testimony
- 11.62. 10/23/2023 D. Iannello – Public Testimony
- 11.63. 10/23/2023 S. Tisher – Public Testimony
- 11.64. 10/23/2023 Friends Committee on Maine Public Policy and Maine Council of Churches – Public Testimony
- 11.65. 10/23/2023 S. Wessely – Public Testimony
- 11.66. 10/23/2023 D. York – Public Testimony
- 11.67. 10/23/2023 B. Carson – Public Testimony

- 11.68. 10/23/2023 J. Banks – Public Testimony
- 11.69. 10/23/2023 Earthworks – Public Testimony and Evidence, The Minnesota Prove It First Bill and the Myth of Sulfide Ore Mining without Environmental Contamination, 2/1/2023, S. Emerman
- 11.70. 10/16/2023 ZP779A Public Hearing – Transcript of Technical Session
- 11.71. 10/16/2023 ZP779A Public Hearing – Transcript of Public Comment Session
- 11.72. 10/16/2023 ZP779A Public Hearing – Video of Technical and Public Comment Sessions
- 11.73. 10/17/2023 ZP779A Public Hearing – Transcript of Technical Session
- 11.74. 10/17/2023 ZP779A Public Hearing – Transcript of Public Comment Session
- 11.75. 10/17/2023 ZP779A Public Hearing – Video of Technical and Public Comment Sessions
- 11.76. 10/18/2023 ZP779A Public Hearing – Transcript of Technical Session
- 11.77. 10/18/2023 ZP779A Public Hearing – Video of Technical Session
- 11.78. 10/23/2023 ZP779A Public Hearing – Transcript of Public Comment Session
- 11.79. 10/23/2023 ZP779A Public Hearing – Video of Public Comment Session
- 11.80. 10/16/2023 ZP779A Public Hearing – Addendum to Technical Session Transcript – Transcriptions of Podcasts and Videos Played

12. Post-Hearing Submissions

- 12.1. 10/23/2023 Wolfden - Objection to Intervenor 2's Re-Cross Exhibits
- 12.2. 10/23/2023 Intervenor 2 – Position on Re-Cross Exhibits
- 12.3. 10/26/2023 Wolfden – Cover Letter for Additional Financial Documents
- 12.4. 10/26/2023 Wolfden – 2021 and 2022 Audited Financial Statements
- 12.5. 10/26/2023 Wolfden – Preliminary Economic Analysis, Spreadsheet of Cash Flow Model
- 12.6. 11/9/2023 Wolfden – Rebuttal Comments
- 12.7. 11/13/2023 Intervenor 2 – Motion to Strike Wolfden's Rebuttal Comments
- 12.8. 11/14/2023 Wolfden – Response to Intervenor 2's Motion to Strike Rebuttal Comments
- 12.9. 11/21/2023 Wolfden – Post-Hearing Brief – Redacted
- 12.10. 11/21/2023 Intervenor 2 – Post-Hearing Brief – Redacted
- 12.11. 11/21/2023 Intervenor 1 – Post-Hearing Brief
- 12.12. 11/22/2023 Wolfden – Objection to Intervenor 2 Post-Hearing Brief
- 12.13. 11/22/2023 Intervenor 2 – Response to Wolfden's Objection to Post-Hearing Brief
- 12.14. 11/27/2023 Wolfden – Response to Intervenor 2's Response Regarding Post-Hearing Brief