

TO: Major General John W. Libby
Commissioner
Department of Defense, Veterans and Emergency Management
72 State House Station
Augusta Maine 04333

FROM: Undersigned residents of the Towns of Canton and Hartford, Maine and property owners abutting Lake Anasagunticook

DATE: August 11, 2007

SUBJECT: **PETITION REGARDING THE DAM ON WHITNEY BROOK**

Whereas Mr. Raymond Fortier owns the dam on Whitney Brook, the outlet brook of Lake Anasagunticook and

Whereas MBP Consulting prepared an inspection report of the Lake Anasagunticook Dam dated August 1997 noting numerous deficiencies and making specific recommendations for the repair, rehabilitation and management of the dam and

Whereas Mr. Fortier is in violation of the Maine Emergency Management Agency (MEMA) Dam Safety Order dated May 5, 2004 as described in a memorandum from MEMA to Mr. Fortier dated August 28, 2006 and

Whereas Mr. Fortier is in violation of the December 4, 2006 and May 8, 2007 MEMA Emergency Supplemental Dam Safety Order in that he did not submit a remedial action plan, signed by an engineer for MEMA approval on or before March 31, 2007 and

Whereas the December 4, 2006 and May 8, 2007 Dam Safety Orders state that “failure to comply ... may subject the owner ... to a civil penalty of not less than \$100 nor more than \$5,000 for each day that the violations continues pursuant to Title 37-B M.R.S.A. section 1129” and

Whereas as of August 10, 2007 Mr. Fortier has been in violation of the December 4, 2006 MEMA order by 132 days and in violation of the May 5, 2004 Dam Safety Order by over three years and

Whereas Mr. Fortier was ordered in a Consent Order for Superior Court Civil Action CV-97-55 dated June 29, 1998 to “obtain a registered professional engineer to prepare and approve, or review and approve work of others, for each aspect of the Project” and “Fortier will apply for and obtain any required federal, state or local permits before commencing any portions of the Project requiring permits” and

Whereas Mr. Fortier performed work outside the scope of the May 5, 2004 MEMA order as evidenced by the August 28, 2006 MEMA Dam Safety Order Progress Report and did so without obtaining permits or engaging a registered engineer in violation of the 1998 Consent Order and

Whereas MEMA has never enforced its numerous orders instructing Mr. Fortier to repair and rehabilitate the dam on Whitney Brook despite a lengthy history of public complaints, a court order, MEMA orders and numerous inspection reports and

Whereas Mr. Fortier’s continued disregard of court and MEMA orders has reduced property values, prevented residents from full enjoyment of their property, placed citizens at risk of property damage and personal injury and threatened wetlands and wildlife in and around the lake,

Therefore, we, the undersigned residents and property owners in the Towns of Canton and Hartford, Maine, petition the Maine Attorney General’s Office to assess the maximum fines allowed by statute against Mr. Fortier for his failure to comply with the MEMA orders of December 4, 2006 and May 8, 2007 and,

Therefore, we further ask that the State use all its legislative and statutory authority to assist the Towns of Canton and Hartford and local lake property owners to affect a change in ownership of the dam from Mr. Fortier to some type of municipal control such that the 1978 Water Level Management Plan as amended August 30, 1996 can be maintained.

The citizens of the Towns of Canton and Hartford and the property owners abutting Lake Anasagunticook and Whitney Brook have waited patiently a decade for the State to enforce its own Dam Safety Orders regarding the Dam on Whitney Brook and we ask that all appropriate State agencies work with the Towns of Canton and Hartford to place the dam under municipal control.

Signature	Name	Legal Residence	Canton Resident	Hartford Resident	Lake or Mill Pond Property Owner
			Canton	Hartford	
(check all that apply)					