



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

GEORGE D. LAPOINTE
COMMISSIONER

June 19, 2008

Roland D. Martin, Commissioner
Department of Inland Fisheries and Wildlife
41 State House Station
Augusta, ME 04333-0041

RE: Cumberland Mills Dam Fishway Proceedings

Dear Commissioner Martin:

We write jointly on behalf of interveners Maine Department of Marine Resources (DMR), American Rivers and Friends of the Presumpscot River. It is with great disappointment that we must inform you that S.D. Warren recently has decided not to go forward and finalize the terms of the settlement of this matter set forth in the June 14, 2007 Settlement Framework Agreement, a copy of which was previously provided to you. By letters from you dated July 16, 2007, November 27, 2007, and February 29, 2008 you had granted, and then twice extended a stay in the above-captioned proceedings to, *inter alia*, "allow for a settlement to be finalized" and "for the parties to work through certain highly technical engineering issues in the Settlement Framework Agreement." The last extension of this stay expired on June 15, 2008.

Given S.D. Warren's decision, DMR, American Rivers and Friends of the Presumpscot can no longer represent to you that a further delay in this proceeding going forward is appropriate or in the public interest. As such, we ask that you take the necessary steps to re-start this proceeding. DMR, American Rivers and Friends of the Presumpscot River are committed to making this process as efficient and non-burdensome to IF&W as possible. As a start, a pre-hearing conference among the parties in July to establish basic procedures and timetables seems warranted, with an opportunity prior to the pre-hearing conference for all parties to suggest agenda items for the conference.

Thank you once again for your patience in trying to allow for a settlement of this matter, and we look forward to working with you in the coming months.

Sincerely,

Patrick Keliher
Director, Bureau of Sea Run Fisheries
Maine Department of Marine Resources

Ronald A. Kreisman
Co-counsel to American
Rivers & Friends of the Presumpscot
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cc: George Lapointe
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