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Via email – dlittell@bernsteinshur.com

February 21, 2025

David Littell, Esq.
Bernstein Shur
100 Middle Street
Portland, ME 04104

Re: DEP Petition to Abandon Silver Lake Dam; Consultation and Information Request Pursuant to 38 M.R.S. §§ 901, 902(1)&(3), 908 specifically and 901 through 909 generally

Dear David:

Bucksport Mill, LLC (“Bucksport” or “Bucksport Mill”) hereby responds to the Town of Bucksport’s (the “Town”) letter request dated November 6, 2024, following along with the enumerated requests. We very much appreciate your patience – pulling together these responses and the large number of associated documents was labor intensive, as we sought to provide as much information as we were able to assist in your client’s evaluation of these dams for potential ownership. Please note that Bucksport Mill cannot certify that the documents provided are the entire universe of documents that might be responsive – these dams have been in existence for a very long time and have been under Bucksport Mill’s ownership for only approximately ten years. We have, however, endeavored to give you all documents in Bucksport’s possession, and otherwise answer your questions as thoroughly as possible.

- I. *Copies of any deeds, and all incorporated covenants and easements, related to the dam and land under the dam, title to any equipment or personal property normally located at the dam site, and flowage rights and access rights related to Silver Lake and the Silver Lake dam. 38 M.R.S. §906(2).*
 - a. *Please provide prior title searches, title insurance policies.*
 - b. *Likewise, for the Silver Lake Dam and Silver Lake, please provide any deeded water rights, private agreements, and, if any, water level obligations in private agreements associated the dam and the water intakes on Silver Lake, pipelines to and from Silver Lake, and pump stations serving customers of Silver Lake water or serving Silver Lake.*

- c. *An inventory and complete list of associated assets associated with the Silver Lake dam and water management system owned by Bucksport Mill LLC or any AIM entity in the watershed that pertain to Silver Lake.*

In addition to the real estate information provided to the Maine Department of Environmental Protection (the “DEP”) as part of the Petition and available online at the DEP’s project page for Bucksport Mill’s Petition,¹ real estate information personally known to and within the currently accessible files of Bucksport Mill that is believed to be related to Silver Lake and Silver Lake Dam is included here as **Attachment 1**.² Bucksport Mill cannot be certain that the provided materials encompass all recorded real estate interests in any way related to Silver Lake and Silver Lake Dam. Interested parties are urged to conduct a thorough due diligence search to discern all relevant recorded interests. The relevance of title to equipment or personal property is not clear, but Bucksport Mill is open to providing additional information if, upon further discussion with counsel for the Town, doing so seems reasonable and appropriately related to the proceeding. Below is a list of assets related to the Water Supply System that seem most responsive. Please note that Bucksport Mill intends to follow the statutory requirement related to the scope of the transfer, and any failure to identify assets herein is not to suggest an intent to withhold appropriate assets from transfer. The primary assets associated with the dams are described below to the best of Bucksport Mill’s knowledge:

- Filter House (Silver Lake)
 - Water pipeline connecting the Filter House to the Mill Site
 - Electric line connecting the Filter House to the Mill Site
 - Pump located at Alamoosook Lake (used to move water from Alamoosook Lake to Silver Lake during periods of drought)
 - Pipeline connecting Alamoosook Lake to Silver Lake
2. *For the Silver Lake water system(s), please provide any information regarding the composition of the pipeline and its coating. Has the material been tested for the presence of hazardous materials including but not limited to PCBs or asbestos? If test results exist, please provide copies.*

According to Wardell Construction, who repaired the pipeline a few years ago, the pipe running between Alamoosook Lake and Silver Lake (the supply line) is a 30-inch steel pipe. Enclosed as **Attachment 2**, please find an Army Corps of Engineer’s report from October 1978 that Bucksport Mill was able to locate.

3. *For the Silver Lake dam, please provide the Emergency Action Plan for the Silver Lake dam and any related facilities.*

The Emergency Action Plan (the “EAP”) for the Silver Lake dam is attached hereto as Attachment 3. Bucksport may have its own relevant records as well - the tabletop exercise which is part of the EAP planning process involved the participation of both Bucksport Mill and the Town.

¹ [Index of /dep/ftp/projects/bucksport-mill](https://dep/ftp/projects/bucksport-mill)

² Attachments are labelled according to the question to which they relate.

4. *For the Silver Lake dam and water intakes, piping, and pumps stations owned by the petitioner(s), please provide the current & budgeted project and capital improvement plans for 2024 -2027 and any deferred capital items identified in the prior 10 years.*

Please see **Attachment 4**, the Silver Lake Dam capital expenditure plan and operations and maintenance budget prepared by Haley Ward.

5. *For the Silver Lake dam, please provide a detailed list of forecasted/budgeted preventative maintenance activities for 2024- 2027 including vendor information, and scope of work, and any deferred maintenance.*

Please see Attachment 4, the Silver Lake Dam capital expenditure plan and operations and maintenance budget prepared by Haley Ward.

6. *For the Silver Lake dam, please provide the timing, costs, and scope of work of past or proposed construction repairs and/or improvements to the dams from 2018- 2024. Please provide the same information for water intakes, piping, and pumps stations owned by the petitioner(s) discharging to or taking water from Silver Lake.*

The Petition included a spreadsheet detailing the cost and timing of expenditures made within the last year. An updated spreadsheet to cover the time period requested is attached as **Attachment 6**. Attachment 6 is a good faith effort to extract information from the accounting records available to Bucksport Mill, which records do not account for the Water Supply System as a distinct entity. Please note Attachment 6 does not include any expenses for insurance because the dam is self-insured. Further, Attachment 6 does not include any expenses for labor because that is covered by an agreement between Bucksport Mill and Bucksport Generation. If Bucksport Generation elects not to provide operating personnel to manage the Water Supply System, it is obligated to pay \$50,000 per year to Bucksport Mill. Finally, please note that this expense report is for the entire Water Supply System, which includes Silver Lake Dam, Alamoosook Dam, and Toddy Pond Dam.

7. *For the Silver Lake dam, please provide the insurance policies and documentation and related costs that any AIM entity or Bucksport Mill is currently using to address risks management of failures, and maintenance costs related to the dams.*

There are no insurance policies related to the Silver Lake Dam. Bucksport Mill is self-insured.

8. *For Silver Lake, please provide any contracts between any AIM entity or Bucksport Mill LLC and Maine Water, Bucksport Generation, or other receiving water or services from Silver Lake or the Silver Lake Dam.*

There are no known written agreements between Bucksport Mill (or any other “AIM entity”) and Maine Water. Obligations to the Town are reflected in the Indentures associated with Silver Lake (**Attachments 8.1 and 8.2**). Maine Water treats and supplies water received from Silver Lake (pursuant to the Deed) and then supplies the Town as Bucksport Mill understands it. Bucksport Mill is not privy to any agreement between Maine Water and the Town. Bucksport Mill does not receive any treated water from Maine Water and only draws raw water from Silver Lake. The recorded

agreements and easements with Bucksport Generation LLC, as well as Bucksport Generation LLC's subsequent agreements with Maine Water, are included in the real estate documents provided responsive to Question 1. To the best of Bucksport Mill's knowledge, there are no additional contracts related to receiving water or services from Silver Lake or the Silver Lake Dam.

9. *Please provide, any and all existing plans, site plans, or as-built construction plans for Silver Lake dams and related pipelines, water intakes, and pump stations serving Silver Lake, or fish ladders relating to Silver Lake.*

In addition to the information provided in the Petition, Bucksport Mill has located some drawings related to Silver Lake. While these drawings are enclosed herein for the Town's information, please note that we cannot confirm the accuracy, relevance, or completeness of these documents.

10. *Any available engineering reports, evaluations and reports related to the Silver Lake dams or water intake, pipelines, pump structures, and or fish ladders.*
 - a. *Please also specifically stream/lake cross sections, and/or bathymetric surveys upstream and downstream of the dams, hydrologic/hydraulic studies/data, and HEC-RAS or similar hydrologic models.*
 - b. *This request includes any environmental reports related to the dams, including assessments of dam reconfiguration, removals, or abandonment.*

Please see **Attachment 10**, which is a 2015 inspection report prepared by Kleinschmidt & Associates. Bucksport Mill is not in possession of any other reports or evaluations that have not already been provided.

11. *For Silver Lake and the Silver Lake dam, any geotechnical borings/soil test data/recommendation reports, or topographic survey.*

To Bucksport Mill's knowledge, there are no geotechnical borings/soil test data/recommendation reports, or topographic surveys.

12. *An accounting, or itemization of all revenues received from 5/21/2019 to the date of petition submission from Bucksport Generation and Whole Oceans related to the requirements pertinent to the water rights easements contained in Exhibit C of the deed recorded on 5/21/2019 in book 6951 Page 556 of the Hancock County Registry of Deeds from Bucksport Mill, LLC to Whole Oceans.*

The agreement shown in Exhibit C (and included herein as **Attachment 12**) including its related easements, was terminated in early 2023, and all easements described in Exhibit C were released on June 28, 2023, as evidenced by a Release of Easement Over Fresh Water Supply from Whole Oceans LLC to Bucksport Mill LLC as recorded in the Hancock County Registry of Deeds at book 7275 and page 502. As part of this termination, Whole Oceans paid \$101,803.42 in water usage fees. This amount constitutes the only revenue paid by Whole Oceans pursuant to the agreement.

13. *All budgets, reports, capital plans, and maintenance and repair costs identified as required in Exhibit C of the deed recorded on 5/21/2019 in Book 6951 Page 556 of the Hancock County*

Registry of Deeds from Bucksport Mill, LLC to Whole Oceans from the date of recording until the date of petition submission.

As described above, the agreement shown in Exhibit C, including its related easements, was terminated in early 2023, and all easements described in Exhibit C were released on June 28, 2023 as evidenced by a Release of Easement Over Fresh Water Supply from Whole Oceans LLC to Bucksport Mill LLC as recorded in the Hancock County Registry of Deeds at book 7275 and page 502. Enclosed as **Attachment 13**, please find budgets, reports, capital plans, maintenance costs, or repair costs prepared in connection with this terminated agreement.

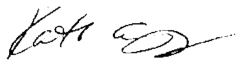
14. *Copies of all federal, state, and/or local permits and approvals related to the operation of the Silver Lake dam or Silver Lake, no matter whether still in force or how old.*

Enclosed as **Attachment 14** is a chart of all permits known to Bucksport Mill. Bucksport Mill is providing this chart for informational purposes only and, while it has erred on the side of over-inclusion, has not done an independent evaluation of this list of permits. We cannot confirm the accuracy, relevance, or completeness of this list.

15. *Copies of any notice of violation or description of any enforcement actions taken by any federal, state, or local agencies related to the operation of the Silver Lake dam or Silver Lake, no matter whether still in force or how old.*

Bucksport Mill is not aware of any notices of violations or any enforcement actions since the time it acquired ownership (or before that).

Sincerely,



Katherine Joyce