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VIA EMAIL – rpierce@nhdlaw.com

May 14, 2025

Russell B. Pierce Jr., Esq.
Norman Hanson & DeTroy, LLC
2 Canal Plaza
PO Box 4600
Portland, ME 04112-4600

Re: DEP Consolidated Petition for Release from Dam Ownership related to Silver Lake, Alamoosook Lake, and Toddy Pond, 38 M.R.S. §§ 901, et seq (the "Petition").

Dear Attorney Pierce:

Bucksport Mill, LLC ("Bucksport Mill") hereby responds to the May 9, 2025 letter from the Towns of Orland, Blue Hill, Penobscot, and Surry (the "Towns") in response to Bucksport Mill's May 2, 2025 production of additional documents.

In May 2024, Bucksport Mill engaged Haley Ward to conduct an inspection of the Toddy Pond dam. Enclosed is a copy of the June 2024 report issued in connection with Haley Ward's inspection. In June 2024, Commercial Divers, Inc. conducted underwater inspections of the three dams, and the reports issued in connection with those underwater inspections are also enclosed. Please note that these underwater inspection reports were also provided with Bucksport Mill's May 2, 2025 production. To our knowledge and belief, these reports relate to the only inspections conducted on the dams in 2024, either by Haley Ward or any other entity.

Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

Katherine Joyce

Enclosures
c: Laura Paye (w/enclosures)
David Littell (w/enclosures)

HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING

June 3, 2024

AIM Development USA, LLC Bucksport Mill, LLC
Attn: Dave Bryant-Project Manager
2 River Road
Bucksport, Maine 04416
dbryant@aim-recycling.com

Re: Toddy Pond Dam | Orland, Maine

Dear Dave:

Pursuant to your request, a structural evaluation was undertaken on the morning of May 22, 2024, for the referenced structure. The purpose of our evaluation was to review the Dam structure and ancillary components and render an opinion on their current condition. Specifically, are there concerns/issues that would require immediate attention by AIM Development USA, LLC (AIM), and any recommendations we believe AIM needs to consider ensuring that the Dam remains functioning as designed. Our evaluation was visual in nature and limited to those areas/components accessible at the time. No sampling, testing, or analysis was done as part of the services rendered. Information provided for our review includes the Hazard and Conditions Report dated October 12, 2021, compiled by the State of Maine's Office of Dam Safety and the Emergency Action Plan (EAP) compiled for Bucksport Mill, LLC dated December 2022. Photographs were taken for documentation.

Our observations and a review of the information provided show the Dam to be a concrete gravity structure approximately 196 feet long with a center concrete head gate that supports the gate mechanism. On each side of the head gate structure are spillways that allow for uncontrolled overflow from Toddy Pond. The spillways and gate discharge on to a concrete apron the directs flow into the stream/river below. Attached to the Dam is a concrete fishway that allows passage of fish from the stream into Toddy Pond. Downstream of the Dam is a concrete bridge structure (deck, abutments, wingwalls) that ties into both the apron walls and fish passage. At the time of our evaluation, there was a fence that prevented access to the head gate mechanism and the pool area of Toddy Pond.

One Merchants Plaza, Suite 701, Bangor, ME 04401
T: 207.989.4824 | HALEYWARD.COM

Based on our observations, it is our opinion the Dam as currently operated is functioning as intended and shows no sign of imminent failure. While there are sections of the concrete components that are deteriorated, it has not created any instability to the overall structure. Furthermore, when comparing the photos taken as part of the 2021 inspection report to current conditions, it is our opinion items identified in that report do not appear to have changed or gotten any worse. However, we do recommend the following items be undertaken as part of maintenance and improvement operations:

1. Retain the services of a commercial diver to complete an underwater inspection of the dam structures and head gate, especially around the known leaking areas.
2. Complete coring of various concrete elements and test for ASR deterioration
3. Develop a design to repair deteriorated concrete elements and address the leakage around the head gate.
4. Remove vegetation and debris on the upstream face of the Dam and stabilize with stone riprap.

We hope this information serves your needs presently. If there are any questions, or should you require further assistance, please contact us at (207) 989-4824.

Sincerely,
Haley Ward, Inc.

Peter J. Tuell, P.E.
Senior Project Manager | Vice President

PJT/kmg
Enc.

Photo No. 1 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Fishway Retaining Wall **Photo By:** PJT	

Photo No. 2 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Fishway Concrete Structure **Photo By:** PJT	

Photo No. 3 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Concrete Bridge With Abutments and Wing Walls **Photo By:** PJT	

Photo No. 4 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Spalled Section of Fishway Retaining Wall **Photo By:** PJT	

Photo No. 5	
Photo Date: May 22, 2024	
Site Location: Toddy Pond Dam, Orland, Maine	
Description: Concrete Fishway and Concrete Wing Wall Showing Signs of Deterioration	
Photo By: PJT	

Photo No. 6	
Photo Date: May 22, 2024	
Site Location: Toddy Pond Dam, Orland, Maine	
Description: Concrete Fishway Showing Some Deterioration	
Photo By: PJT	

Photo No. 7 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Concrete Fishway at Entrance to the Stream **Photo By:** PJT	

Photo No. 8 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Concrete Spillway, Apron, Retaining Wall, and Head Gate with Elevated Deterioration **Photo By:** PJT	

Photo No. 9 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Concrete Spillway, Apron and Retaining Wall With Elevated Deterioration **Photo By:** PJT	

Photo No. 10 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Concrete Dam Section with Deterioration **Photo By:** PJT	

Photo No. 11 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Concrete Cutoff Wall with Deterioration **Photo By:** PJT	

Photo No. 12 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Vegetation on Upstream Side of Impoundment **Photo By:** PJT	

Photo No. 13 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Elevated Deterioration of Head Gate and Structure **Photo By:** PJT	

Photo No. 14 **Photo Date:** May 22, 2024 **Site Location:** Toddy Pond Dam, Orland, Maine **Description:** Elevated Deterioration of Head Gate Structure at Base **Photo By:** PJT	

Commercial Divers Inc.

Inspection Report

Date: 6-11-2024

Report Filed By: Joe Kacer

Time: 0906 AM: x PM: ____

Facility: Toddy Dam

Location In Facility: Upstream and Downstream Toe

Area of Inspection: Upstream fishway, Gate area,Downstream Toe

Location: Orland,Maine

Customer: Bucksport Mill, LLC/AIM

Site Contact: David Bryant, Project Manager

Site Contact Tel #: 630.968.1972

Notes:

Start Year.Date.Time-HD Video 2024.06.11.09.06.38
Diver starts video at the upstream east side of the dam and find the fish way with 2' of debris inside the screen in bay 1. Dive finds some spalling at the water line.(Freeze Thaw Line Area) Diver moves west and find the gate to be down and in good condition. Some small sticks found under the gate, with the gate leaking. Diver finds a 6' flat concrete pad upstream of the gate. This pad is in good condition. See video for best detail. Diver finds the hardware, wood in fair to good condition. Diver moves west and finds the dam in fair condition and spalling at the water line. Upstream water depth across the dam is 5'-8'. After inspection video dive, diver cleaned the fish way bay 1-2 of 11 of gravel/sand. Diver also removes brush and logs from gate area. Diver moves down stream for toe video. 2024.06.11.09.51.15
Surface video is done of the dam area. See video for best detail of the downstream of the dam. 20240611115559 Diver video toe of dam diver find undermine along the toe of the fish way and spillway. The average depth upstream is 1-3' along the downstream of the dam. No flow is found coming out under the spillway.
***Dive team recommends concrete repairs, cleaning fish way bays 2-11 remove grave and debris. Diver recommends using bark mulch to seal gate to slow leakage. The gate needs a rubber seal installed to bottom of gate. Downstream toe need concrete poured along toe, to protect the downstream seal to ledge or cobble. See Video for best detail amd Hand sketchs.

Joe Kacer - Commercial Divers Inc.
http://commercialdiversinc.net / O: 207-990-6644 / C: 207-478-9675

Commercial Divers Inc.

Inspection Report

Date: 6-12-2024

Report Filed By: Joe Kacer

Time: 0900 AM: X PM: ____

Facility: Alamoosook Dam

Location In Facility: Upstream and Downstream Toe

Area of Inspection: Upstream Dam, fishway, Gate area,Downstream Toe

Location: Orland,Maine

Customer: Bucksport Mill, LLC/AIM

Site Contact: David Bryant, Project Manager

Site Contact Tel #: 630.968.1972

Notes:

Start Year.Date.Time-HD Video 2024.0612.083757
Diver starts video at the upstream east side of the dam and find the concrete in good condition some spalling at the water line(Freeze Thaw Line Area) Diver moves west and find the fish way flowing and diver find the hardware bolts deteriorated from the electrolysis and flow. See video for best detail. Diver removes some brush and wood from this area. Diver finds concrete in good condition in this area.
-HD Video 2024.0612.090757 Diver moves from the fish way to the gate. Diver finds the wood gate in good condition. Some small sticks brush and branches found under and around the gate area. Diver finds a small leak on the bottom right. This can be sealed with bark mulch. Diver finds concrete pad upstream of the gate. This pad is in good condition but the debris is built up in this area. See video for best detail. Diver finds the hardware, wood seal in fair to good condition. Diver moves west and finds the dam and spillway deck in fair condition, some spalling at the water line was noted. Upstream water depth across the dam is 5'-12'. After inspection video dive, diver cleaned the gate area and the spillway area. This area is gravel/sand and wood/brush. Diver also removes brush and logs from gate area. Diver moves east to exit the water. See video for best detail of the upstream dam face, spillway deck, gate and fish way.
-HD Video 2024.0612.093549 Section Downstream toe, spillway and fish way discharge.
Diver videos toe of dam diver find undermine along the toe of the fish-way spillway. This area had concrete work after a flood. Grout bags and riprap were added to support and protect the fish way.
*See notes from 2015-2016. This area was found in good conditions. At the screen 1,2,3 tank downstream footing, a small undermine was noted Depth D6-8'W4H2' No flow is found coming out under the tank or spillway. Diver noted 4" pile with small flow. This is a footing vent.
***Dive team recommends concrete repairs on freeze thaw area, new self taping screw on the fish way hardware. Diver recommends using bark mulch to seal gate to slow leakage. The gate needs a rubber seal installed to bottom of gate. Downstream toe need concrete poured along toe in a coupe spots to protect the downstream fish way and screen tank. See Video for best detail and Hand sketch.

Joe Kacer - Commercial Divers Inc.
http://commercialdiversinc.net / O: 207-990-6644 / C: 207-478-9675

Commercial Divers Inc.

Inspection Report

Date: 6-11-2024

Report Filed By: Joe Kacer

Time: 0922 AM: x PM: ____

Facility: Silver Lake Dam

Location In Facility: Upstream and Downstream Spillway Toe

Area of Inspection: Upstream Rip-rap and forbay, Gate area,Downstream SpillwayToe

Location: Orland,Maine

Customer: Bucksport Mill, LLC/AIM

Site Contact: David Bryant, Project Manager

Site Contact Tel #: 630.968.1972

Notes:

Start Year.Date.Time-HD Video 2024.06.13.09.22.29
Diver starts video at the upstream west side of the dam at the waterline abutment and find the freeze thaw area spalled and cracked. Dive finds some spalling at the water line.(Freeze Thaw Line Area) Diver moves west and find a D6"W6"H6" hole in concrete abutment. Diver find old concrete crack repair it is noted to be in fair condition. Diver move down the wall to the West Steel gate, he finds to be in good condition. See video for best detail. Diver finds the hardware on large gates to be in good condition. Diver moves west and finds the dam in good condition and spalling at the water line. Diver cleans to view concrete deck at the middle wood stop logs. Diver noted the stop log poly leaking with debris on it. The gate guides are in good condition. Diver moves east and finds the east steel gate in good condition. Diver moves to the east concrete wall and find at the waterline abutment freeze thaw area spalled and cracked. The dive team found the dam in fair to good condition and the Dam bridge also in good condition.
*The dive team found the grass road on both sides of the dam smooth and no sink holes or water flow on rip-rap along the Downstream toe.
***Dive team recommends concrete repairs. Diver recommends using new poly and bark mulch to seal gate to slow leakage. See Video for best detail and Hand sketches.
***Note the dive team applied new poly and bark mulch on the stop log gate.

Joe Kacer - Commercial Divers Inc.
http://commercialdiversinc.net / O: 207-990-6644 / C: 207-478-9675

Commercial Divers Inc.

Inspection Report

Date: 6-14-2024

Report Filed By: Joe Kacer

Time: 0805 AM: X PM: ____

Facility: Silver Lake Intake Building

Location In Facility: Head Gage, Trash Racks, Concrete Structure

Area of Inspection: Forebay Area, Head Gage, Trash Racks, Concrete Structure, 36" Pipeline

Location: Orland,Maine

Customer: Bucksport Mill, LLC/AIM

Site Contact: David Bryant, Project Manager

Site Contact Tel #: 630.968.1972

Notes:

Start Year.Date.Time-HD Video

2024.06.14.08.05.41 Dive team Starts survey with a HD drop video at the surface of the head gate. Dive Team lower camera and finds the 2-virtical lifting columns rotting at the frieze thaw area of the lake. (Top 4'of water elevation) *Divers are looking for a stop that is holding the gate from coming down to the closed position. 08:29-08:39 Diver finds the gate in the 100% open position. Divers find the gate area, top, sides of the gate guide full of debris, rocks/sand/gravel. Gate hardware is very rusted and difficult to tell what is steel and what is popcorn rusted steel. Diver finds nothing under the gate holding it up from falling down. On the surface the lifting mechanism is broken and the gate dog/stop is frozen (rusted solid) and not dogged closed. See video for best detail.

HD Video 2024.06.14.09.21.17 Divers find SS trash rack in good condition and not fully installed with anchors. Also it is anchored on top in a way it is difficult to easily remove trash rack for accuse for divers to work on the gate or clean gate area. Diver videos the gate that is 2-3'inside the trash racks. Diver also finds the gate very rusted with debris packed around it and the gate guides full of sand and rocks. Diver was unable to see a stop or beam holding gate up from closing. Diver found the pad gate opening approximately 18"x18". This is a guillotine pad gate. This was broken and not connected with the shaft. See video for best details shone in the videos. This pad gate was open and missing shaft. Some of the shaft is hanging and some on the floor of the intake and removed.

HD Video 2024.06.14.09.55.20 Diver inspects the concrete structure and finds the freeze thaw area with brittle concrete flaking off from wave action. Divers find concrete in poor to fair conditions on this structure. ***Also noted- Haley and Ward Engineer where on site and inspected the structure and gate area.

***Dive team recommends Removal of the old gate and new gate install for dewatering and pipeline repairs and Inspection. This structure was built in 1930 see print for best details. See Video for best detail and Hand sketches.

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