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Katherine Joyce, Esq.

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100 Middle Street

Portland, ME 04104-5029

**RE: Bucksport Mill Petition—Request for Engineering and Operational Analysis and Environmental Assessment**

Dear Attorney Joyce:

The Maine Department of Inland Fisheries and Wildlife (MDIFW) has received a *Petition for Release from Dam Ownership* related to Bucksport Mill LLC’s (“Bucksport Mill”) ownership of impoundments at Alamoosook Lake, Toddy Pond, and Silver Lake, located in Hancock County.

Per Title 38 M.R.S.A § 902, it is MDIFW’s understanding that Bucksport Mill is required to consult with the Commissioner of MDIFW (among other entities) to determine whether we wish to assume ownership of the dams. If, after the consultation period a new owner is not located, per §903 MDIFW would be required to conduct an assessment of public value of the dams. To accomplish this assessment, MDIFW would need to evaluate the following:

A. The cost of maintaining the dam;

B. The value to fisheries and wildlife of maintaining the dam; and

C. The value to fisheries and wildlife of releasing water from the dam.

MDIFW does not have the capacity to maintain and operate these dams and corresponding impoundments. However, we recognize we have a statutory requirement under §903 to assess the cost-benefit analysis of assuming ownership. Therefore, to better evaluate and understand the value to fisheries and wildlife under the above scenarios, and to fully evaluate whether it would be in the best interest of the public to find a new owner through this process, we request Bucksport Mill prepare both an Engineering and Operational Analysis and an Environmental Assessment (EA) for each of the three dams, associated impoundments, and tailwater resources. Note that we believe much of this this information will also be helpful for the Department of Agriculture, Conservation and Forestry and the Maine Emergency Management Agency in their respective assessments under §903.

The purpose of the Engineering and Operational Analysis is to better inform MDIFW of the necessary maintenance, repairs, and operational responsibilities at each dam. At a minimum, the Engineering and Operational Analysis should include the following (not an exhaustive list):

1. An accurate description of each of the existing dams, detailing any associated fishways, buildings, roads, and other facilities, and any lands that would be transferred to MDIFW if ownership is assumed.
2. An accurate description of the current condition of each dam, and any associated buildings, roads and other facilities, which describes the annual maintenance costs for each. The description should also include the state of any disrepair, and any necessary repairs to maintain dam safety or stability measures for continued public safety, continued reliable operations, and other activities to meet applicable State or Federal laws for the safe operations of the dams. Costs for any repairs necessary for the safe continued operations of the dams should be described.
3. The current condition and upstream and downstream passage efficacies of existing fishways, including the annual costs to operate and maintain the fishways. The EA should also include the need for any future fishways, and applicable costs, that may be necessary to meet State or Federal fish passage requirements.
4. An accurate description of the aqueduct that conveys water pumped from a pump station at Alamoosook Lake to Silver Lake, which is used by the Town of Bucksport as a drinking water supply. The description should include annual costs to operate and maintain both the pumping station and aqueduct. The EA should also include an assessment of how different types of public recreation at and around Silver Lake impact the drinking water supply, and an assessment of whether future changes in recreational use would be in the best interest of the public.
5. A description of the current water level management at each of the three impoundments, including seasonal lake water level requirements or obligations, and any seasonal or minimum flow requirements or obligations. The description should include the frequency of dam operations and describe how the dams are operated to make any necessary adjustments.

The EA should mimic the National Environmental Policy Act review format and describe both the existing environmental conditions for each impoundment and corresponding downstream resources, as well as describe the environmental impacts of a “no new owner” scenario in which the dams are required to release waters. At a minimum, the EA should include the following (not an exhaustive list):

1. A description of the existing fisheries, wildlife, plant and natural communities, including State and Federal rare, threatened, or endangered species; wetlands, geology and soils, and other natural resources, as well as existing recreational use, at each of the impoundments and tailraces.
2. A current bathymetry study for each of the impoundments.
3. The EA should include an analysis of a “no new owner” scenario in which the dams are required to release waters. At a minimum, the analyses should include the following for each impoundment under this scenario:
   1. Descriptions of the lake levels under a water-release scenario, including exposed shoreline and potential for risk of sedimentation and erosion, infestation of invasive plant species, and plans to eradicate future invasive plant infestations.
   2. Hydraulic modeling of water depths, including substrate analyses.
   3. Affected natural resources including impacts or changes to the resident fisheries and wildlife communities and associated habitats, fish passage assessment including risk of spread of Aquatic Invasive Species, plant and natural communities, wetlands, geology and soils, and downstream riverine changes in aquatic habitat.
   4. Affected recreation access (i.e., existing boat launches, etc.)
   5. Changes in recreational use.

We look forward to receiving this information which will aid our Agency in making an informed decision regarding assuming dam ownership, should a new owner not be located. Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

Line chart

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John Perry

Environmental Review Program Supervisor

Cc: Judy Camuso, Tim Peabody, Christl Theriault—MDIFW Commissioner’s Office

Liz Latti, MDIFW Fisheries Division

Nathan Webb, MDIFW Wildlife Division

Richard Parker, MDIFW Engineering Division

Laura Paye, Maine Department of Environmental Protection