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May 9, 2025

SENT VIA EMAIL/PDF
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Katherine A. Joyce, Esq.
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RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC Consolidated Petition for Release from Dam Ownership relating to Silver Lake, Alamoosook Lake, and Toddy Pond dams, 38 M.R.S. §§ 901, et seq.

Dear Kat:

This will acknowledge receipt of your response to the March 27, 2025 additional information requests of the Towns of Orland, Blue Hill, Surry, and Penobscot (the “Towns”), which we received on May 2, 2025.

In the response to Request 1 (and its subparts i and ii), you indicate that the Petitioner cannot identify with particularity of all property rights that are within the scope of the petition under Article 6 of Title 38. The response suggested that the Towns perform their own real estate “due diligence” to ensure that any and all assets “necessary for the ownership and operation of Toddy Pond Dam, Alamoosook Lake Dam, . . .” are part of the Title 38 transfer of these two dams to the respective town watershed management districts.

This is to provide notice to the Petitioner that the Towns do not consider the pumphouse building (and the pump located inside it) to be property “necessary to maintain and operate the dam” under Title 38 – specifically, 38 M.R.S. § 906(2) (the section cited in our Request 1 of March 27, 2025). We intend to carve out of the transfer of the “Alamoosook Dam Lot” the footprint of the pumphouse building (located approximately 250 feet from the dam) and reserve easement access to the building to the transferor. Nor do the Towns consider the “Aqueduct” steel pipe, noted as a blue line and running from the “Alamoosook Dam Lot” to an eastern border of Silver Lake on the associated map provided, to be within the scope of property rights within 38 M.R.S. § 906(2) for obvious reasons – the steel pipe is neither “located at the dam site” nor is it “necessary to maintain and operate the dam.”

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Finally, on a separate matter relating to our Request 4 relating to the June of 2024 Haley Ward inspection report: You provided a Commercial Diver, Inc. report (and a series of dam inspection checklists for 2024). A Haley Ward report for the Alamoosook Lake Dam was not provided. We don't have an explanation as to why. Haley Ward inspection reports for 2024 were previously provided for the Toddy Pond Dam and the Silver Lake Dam, implying that Haley Ward might also have inspected the Alamoosook Lake Dam in 2024. Did Haley Ward inspect the Alamoosook Lake Dam in 2024, and if so, can the Petitioner provide us with the inspection report? If Haley Ward inspected the dam, but did not issue a report for it, we would in that instance need an explanation for why Haley Ward did not issue a report after inspection. If Haley Ward did not inspect the Alamoosook Lake Dam, we would in that instance need an explanation for why it would have skipped Alamoosook Lake Dam when it inspected the other two dams, or whether another entity performed that inspection (and we would then need the report from that other entity's inspection).

Thank you for your attention to these matters. It is likely that further issues will arise in the course of the consultation, and we will continue to bring them to your attention and to the attention of the DEP as they arise.

Very truly yours,

/s/ Russell B. Pierce, Jr.

Russell B. Pierce, Jr.

RBP/

cc: Melanie Lyzim, Commissioner, Maine Department of Environmental Protection,
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Laura Paye, Hydropower & Dams Program Coordinator,
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Town of Orland; Town of Surry; Town of Penobscot; and Town of Blue Hill [client email]