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Katherine Joyce (207) 228-7297 kjoyce@bernsteinshur.com

October 18, 2024

Laura Paye Maine Department of Environmental Protection Bureau of Land Resources 17 State House Station Augusta, Maine 04333-0017

Re: Petition for Release from Dam Ownership

Dear Ms. Paye,

Please find enclosed a consolidated 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.

Please note that the Petition includes all elements required by statute. While Bucksport Mill understands that additional information has been and will be requested for the full processing of the Petition, it requests that the Petition be accepted as complete for processing.

Bucksport Mill was provided a list of requested information beyond the scope of the statute and is endeavoring to gather some of that information. However, some information, such as the contents of the closing binder, are confidential and some potentially governed by non-disclosure agreements. Some requested information is publicly available, such as deed and tax records. Still other requested information does not exist. Bucksport Mill will work with the Department to address these various issues, and provide such responses required for the Department to appropriately process this Petition pursuant to statute.

We look forward to further discussion regarding the disposition of these facilities.

Sincerely,

C

Katherine Joyce

Attachments Attachment A: O&M Manual for Alamoosook Lake Dam Attachment B: O&M Manual for Silver Lake Dam Attachment C: O&M Manual for Toddy Pond Dam Attachment D: List of Notified Individuals, Agencies, and Organizations

I. PETITIONS FOR RELEASE FROM DAM OWNERSHIP

DEPARTMENT OF ENVIRONMENTAL PROTECTIONFOR DEP USEBureau of Land Resources#L-17 State House Station#L-Augusta, ME 04333Date Received:Telephone: (207) 287-7688Date Received:

PETITION FOR RELEASE FROM DAM OWNERSHIP AND WATER LEVEL MAINTENANCE

The undersigned hereby petitions the Department of Environmental Protection for release from dam ownership or water level maintenance for the dam described below.

DAM INFORMATION

Address (use "911 address", if available): 31 Soper Road identified as Tax Map 36, Lot 34 & Tax Map 26, Lots 9 & 10, Alamoosook Lake

GPS Coordinates, if known:

Name of impounded Water Body: Alamoosook Lake

DAM OWNER INFORMATION

Name of Owner: Bucksport Mill LLC

Mailing Address: PO BOX 1874, Bucksport, ME 04416

Name of Agent or Contact: David Bryant, Project Manager

Telephone: (630) 986-1972 (Office); (630) 399-0578 (Mobile)

CERTIFICATION OF FILING

The undersigned hereby represents and avers that the organization represented is the owner of the dam described above.

By signing below, the petitioner or authorized agent certifies that this petition and all accompanying materials are complete and accurate to the best of his/her knowledge, and further certifies that he/she has complied with the public notice requirements of 38 MRSA § 901(2) & (3).

DATE:

SIGNATURE OF PETITIONER) Project Manager

DEPARTMENT OF ENVIRONMENTAL PROTECTION Bureau of Land Resources 17 State House Station Date Received: Augusta, ME 04333 Telephone: (207) 287-7688

FOR DEP USE #L-

PETITION FOR RELEASE FROM DAM OWNERSHIP AND WATER LEVEL MAINTENANCE

The undersigned hereby petitions the Department of Environmental Protection for release from dam ownership or water level maintenance for the dam described below.

DAM INFORMATION

Address (use "911 address", if available): off Central Street identified as Tax Map 1 Lot 82

GPS Coordinates, if known:

Name of Impounded Water Body: Silver Lake

DAM OWNER INFORMATION

Name of Owner: Bucksport Mill LLC

Mailing Address:30 Generation Lane, Bucksport, ME 04416

Name of Agent or Contact: David Bryant, Project Manager

Telephone: (630) 986-1972 (Office); (630) 399-0578 (Mobile)

CERTIFICATION OF FILING

The undersigned hereby represents and avers that the organization represented is the owner of the dam described above.

By signing below, the petitioner or authorized agent certifies that this petition and all accompanying materials are complete and accurate to the best of his/her knowledge, and further certifies that he/she has complied with the public notice requirements of 38 MRSA § 901(2) & (3).

DATE:

SIGNATURE OF PETITIONER Project Manager

DEPARTMENT OF ENVIRONMENTAL PROTECTIONFOR DEP USEBureau of Land Resources#L-17 State House Station#L-Augusta, ME 04333Date Received:Telephone: (207) 287-7688Telephone:

PETITION FOR RELEASE FROM DAM OWNERSHIP AND WATER LEVEL MAINTENANCE

The undersigned hereby petitions the Department of Environmental Protection for release from dam ownership or water level maintenance for the dam described below.

DAM INFORMATION

Address (use "911 address", if available): Toddy Dam Road identified as Tax Map 039 Lot 2

GPS Coordinates, if known:

Name of Impounded Water Body: Toddy Pond

DAM OWNER INFORMATION

Name of Owner: Bucksport Mill LLC

Mailing Address: PO BOX 1874, Bucksport, ME 04416

Name of Agent or Contact: David Bryant, Project Manager

Telephone: (630) 986-1972 (Office); (630) 399-0578 (Mobile)

CERTIFICATION OF FILING

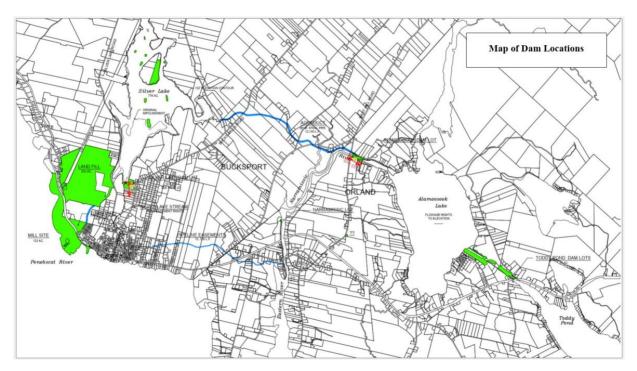
The undersigned hereby represents and avers that the organization represented is the owner of the dam described above.

By signing below, the petitioner or authorized agent certifies that this petition and all accompanying materials are complete and accurate to the best of his/her knowledge, and further certifies that he/she has complied with the public notice requirements of 38 MRSA § 901(2) & (3).

DATE: 10/18,

SIGNATURE OF PETITIONER Project Manager

II. MAP OF DAM LOCATIONS



III. LIST OF AFFECTED TOWNS/COUNTIES/TRIBES

A. Alamoosook Lake

- A. The dam or the impoundment is located in Town of Orland;
- B. The dam or the impoundment is located in Hancock County; and
- C. Any Indian tribe or nation in whose territory(ies) the dam or the impoundment created by the dam are located: None

B. Silver Lake

- A. The dam or the impoundment is located in Town of Bucksport;
- B. The dam or the impoundment is located in Hancock County; and
- C. Any Indian tribe or nation in whose territory(ies) the dam or the impoundment created by the dam are located: None

C. Toddy Pond

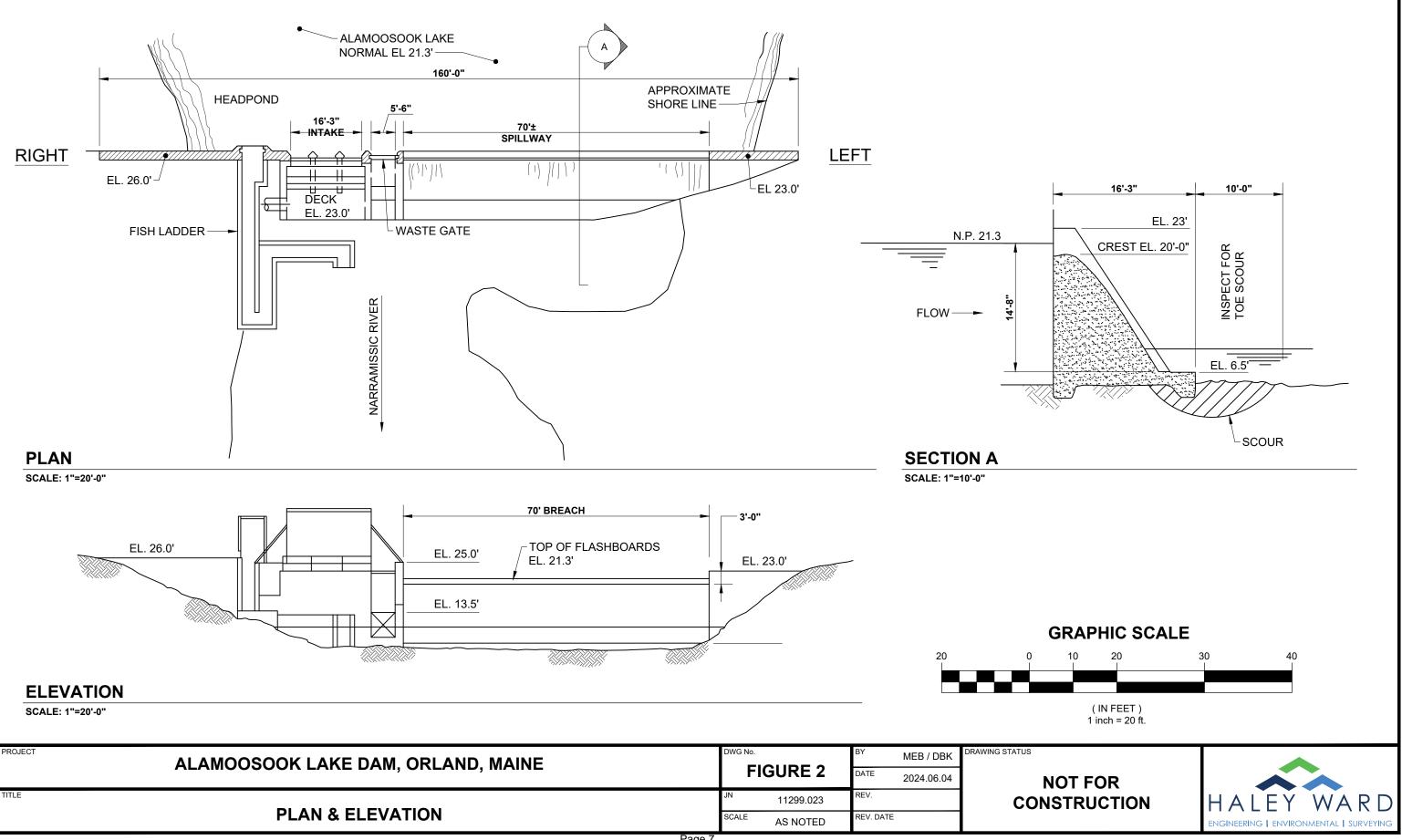
- A. The dam or the impoundment is located in towns of Orland, Surry, Penobscot, and Blue Hill;
- B. The dam or the impoundment is located Hancock County; and
- C. Any Indian tribe or nation in whose territory(ies) the dam or the impoundment created by the dam are located: None

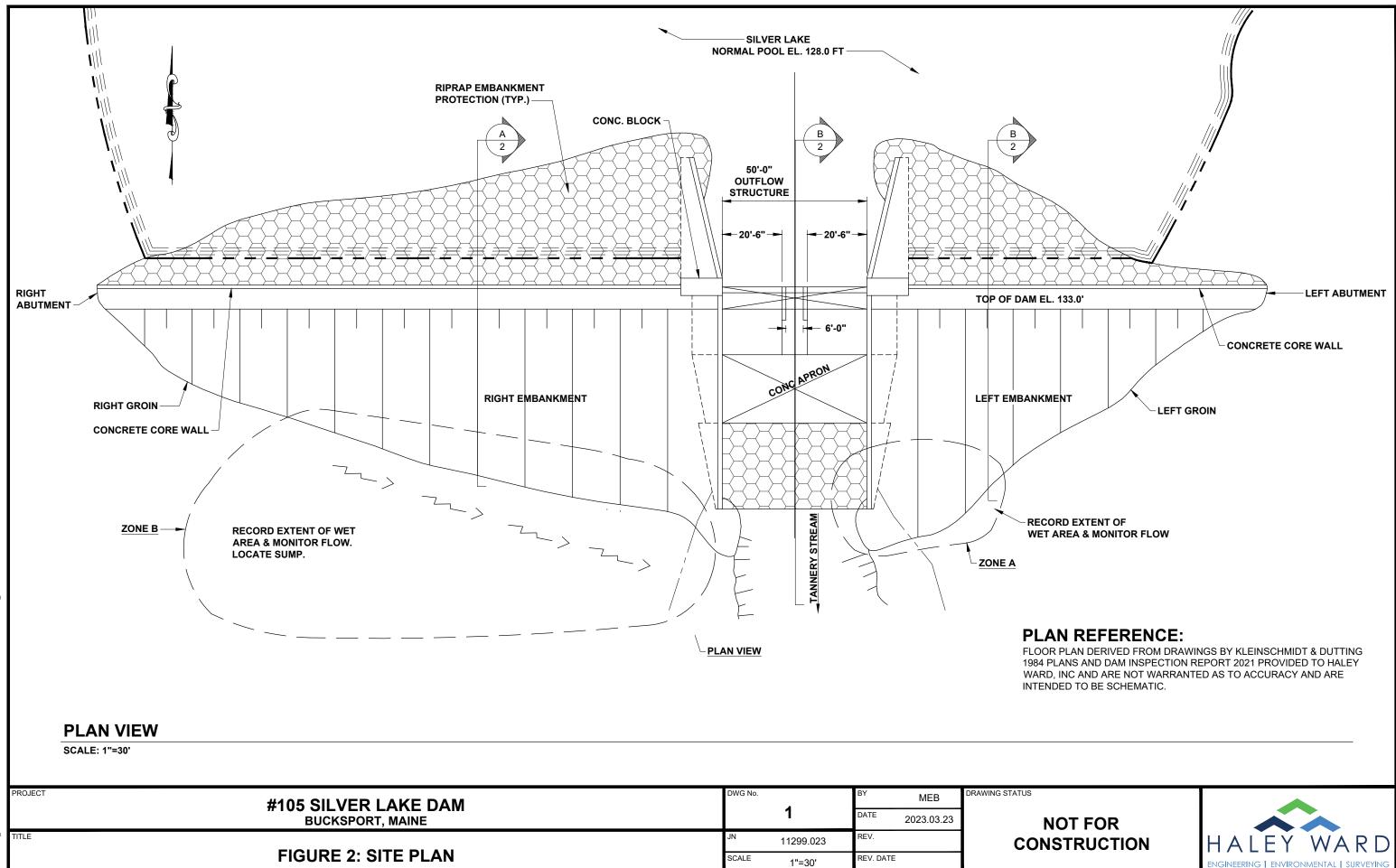
IV. NAMES AND LOCATIONS OF WATERWAYS DOWNSTREAM OF DAMS

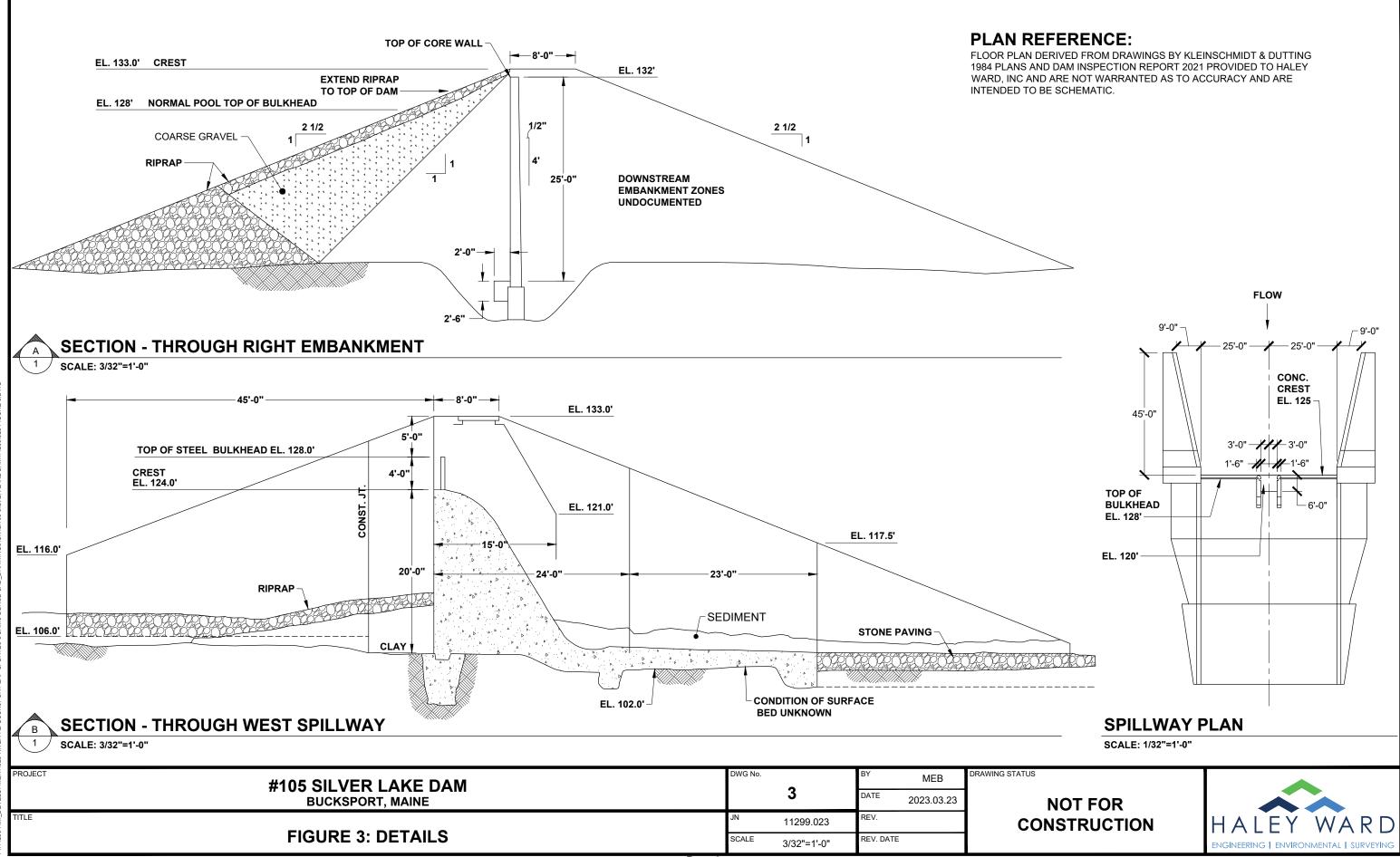
- Toddy Pond to Toddy Pond Stream to Alamoosook Lake;
- Toddy Pond to unnamed tributary terminus in Penobscot;
- Toddy Pond to Western Brook to Cushion Swamp terminus in Blue Hill;
- Toddy Pond to Moore Brook terminus in Blue Hill;
- Toddy Pond to Camp Field Stream terminus in Blue Hill;
- Toddy Pond to Puzzle Brook terminus in Blue Hill;
- Alamoosook Lake to Gulch Brook aka Gully Brook terminus in Orland;
- Alamoosook Lake to Meadow Brook is bifurcated into (i) an unnamed tributary terminus in Orland and (ii) continuing as Meadow Brook terminus in Orland and Penobscot;
- Alamoosook Lake to Narramissic River aka Eastern River and Orland River to its confluence with Eastern Channel to the Penobscot River;
- Alamoosook Lake to Grindle Brook to Silver Lake; and
- Silver Lake to Mill Stream to the bifurcation of Penobscot River and the Eastern Channel.

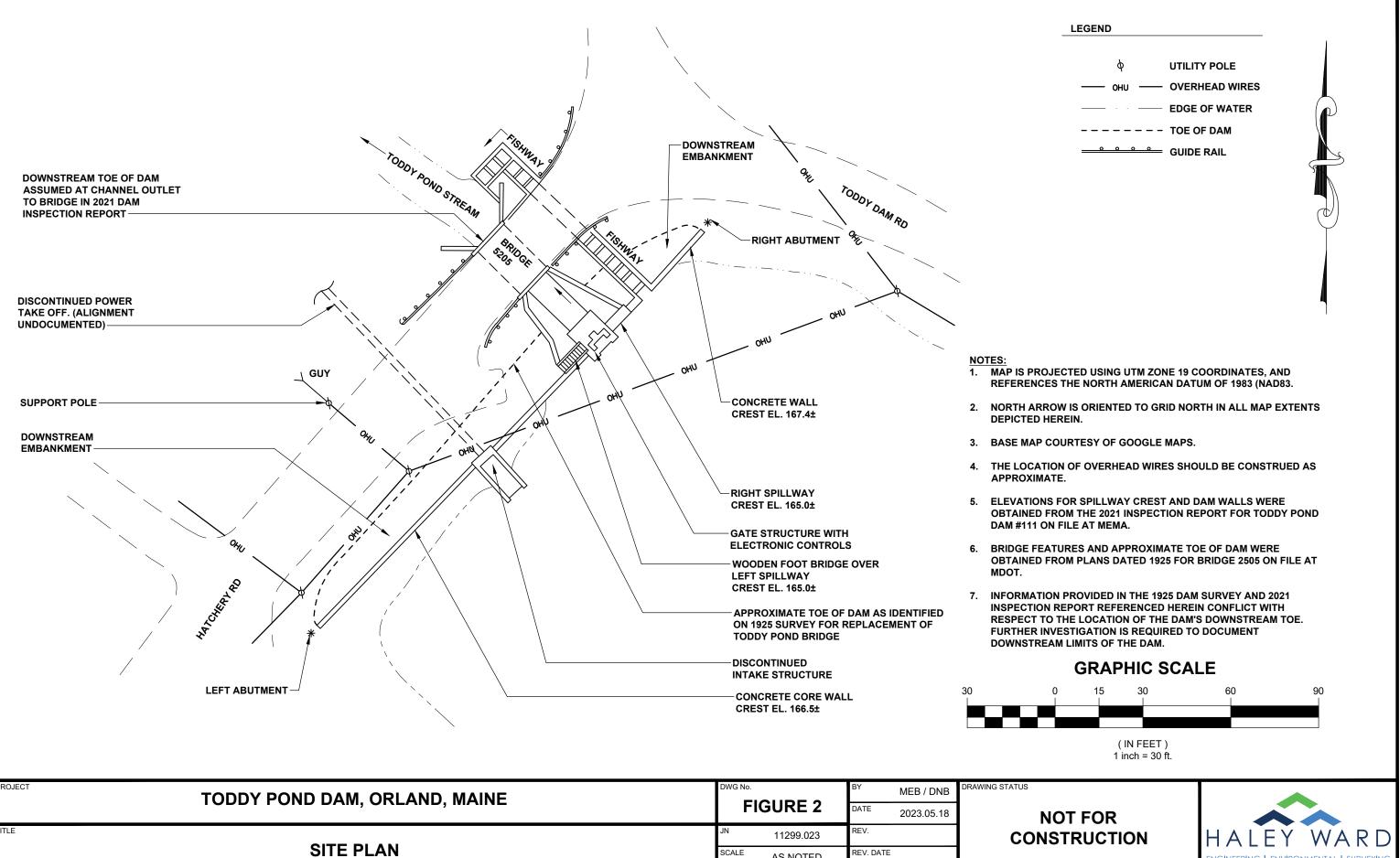
V. PLAN OF DAMS

A plan of each dam, to scale, showing the design and dimensions of the dam is located on the subsequent pages. The plan includes any gates, embankments, or other structures that are part of the dam or are necessary for the maintenance and operation of the dam.



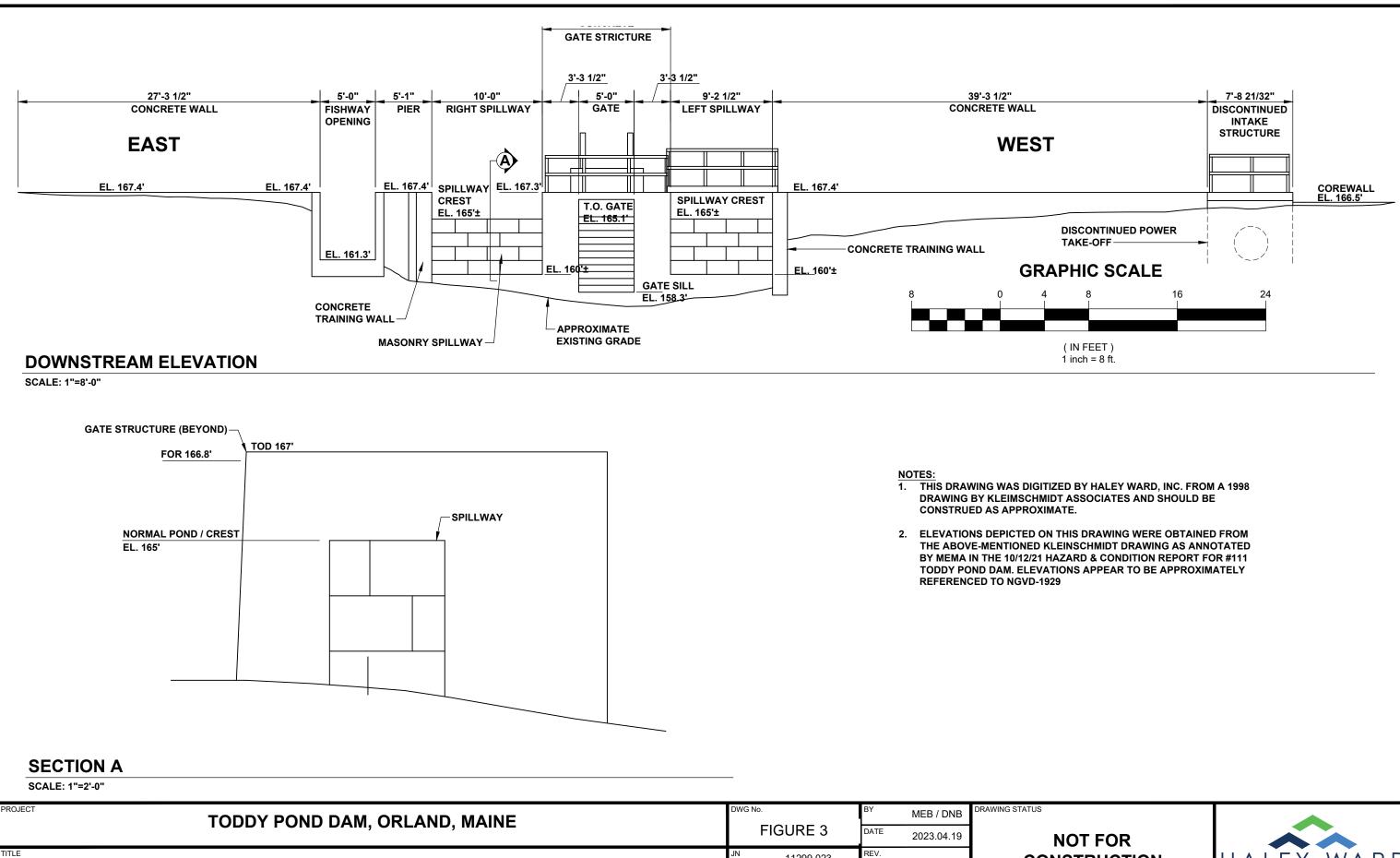






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AS NOTED



TITLE

Page 11

SCALE

DOWNSTREAM ELEVATION

AS NOTED

REV. DATE

11299.023

CONSTRUCTION



VI. OPERATION AND MAINTENANCE MANUALS

Attached to this Petition are the Operation and Maintenance Manuals for Alamoosook Lake (Attachment A), Silver Lake (Attachment B), and Toddy Pond (Attachment C).

VII. DESCRIPTION OF DAMS AND OPERATIONS

Provide a description of the physical condition of the dam and how the dam has been operated over the past five or more years.

A. Alamoosook Lake

Alamoosook Lake dam is a 93-year-old, 18-foot-high, high hazard, concrete mass gravity structure, located in the Town of Orland, Hancock County Maine. The dam is part of the old Champion Lake Water System. The right abutment fishway, pumphouse & gate structure are accessed from Soper Road. The left abutment is accessed from Carrier Road through forest. There is no walkway across the dam. The dam's gate structure is fenced, gated and locked. Alamoosook Lake is primarily recreational.

(Credit – Hazard and Condition Report dated October 12, 2021)

Bucksport Mill's's obligations include monitoring the water level maintenance requirements at Alamoosook Lake and operating to maintain lake water level to prescribed guidelines outlined in the operations and maintenance manual and other documents. Bucksport Mill also reviews, approves and funds any necessary maintenance. Bucksport Mill works collaboratively with contractors to accomplish required maintenance and repairs.

B. Silver Lake

Silver Lake dam is a 30-foot-high, 450-foot-long, high hazard, composite mass gravity/earth dam, located on Tannery Brook, upstream of downtown Bucksport. The dam was designed by the New England Public Services Company for St. Regis Paper Co., to supply water to is paper mill as well as to the Town of Bucksport. It was built in 1930 and extensively rehabilitated in 1984, 54 years after construction. The dam is 93 years old.

(Credit – Hazard and Condition Report dated October 12, 2021)

Silver Lake is the primary impoundment servicing the Bucksport Mill site including the Maine Maritimes Academy building and Bucksport Generation power plant as well as the municipal water supply for the Town of Bucksport. There are no other end users of water supplied by Silver Lake.

Bucksport Mill's obligations include monitoring the water level maintenance requirements at Silver Lake and operating to maintain lake water level to prescribed guidelines outlined in the operations and maintenance manual and other documents. Bucksport Mill also reviews, approves and funds any necessary maintenance. Bucksport Mill operates collaboratively with contractors to accomplish required maintenance and repairs.

C. Toddy Pond

Toddy Pond Dam is a 102-year-old, high hazard dam, located in the Town of Orland, Hancock County, Maine. The dam is 14-foot-high, 196-foot-long, composite mass gravity/earth dam structure fitted with a concrete fishway. The dam was built in 1921 as a mill dam to store water to supply downstream mills along the downstream Marramissic River. After the mills were closed, the dam continued to supply Alamoosook Lake, from which water was pumped across the watershed into Silver Lake for use by the Town of Bucksport. The water conveyance from

Alamoosook Lake to Silver Lake is identified as a 36" diameter aqueduct pipeline that extends from the pump station at Alamoosook Lake to a cove in Silver Lake located on the east side of the lake near Milvale Road. Portions of the pipeline are above ground and portions are below ground. The aqueduct was designed to carry six to seven million gallons per day (mgd) (at a rate of ten cubic feet per second) with a maximum flow of 20 mgd. The aqueduct was used to augment the water supply in Silver Lake for mill use. The aqueduct is typically operated ten months per year. Since closure of the Bucksport paper mill, the lake is used primarily for recreation. The dam's last major repair was in 1947. The dam raises Toddy Pond, a glacial lake, by about 8' – storing a substantial volume of water.

(Credit – Hazard and Condition Report dated October 12, 2021)

Bucksport Mill's obligations include monitoring the water level maintenance requirements at Toddy Pond and operating to maintain lake water level to prescribed guidelines outlined in the operations and maintenance manual and other documents. Bucksport Mill also reviews, approves and funds any necessary maintenance. Bucksport Mill works collaboratively with contractors to accomplish required maintenance and repairs.

VIII. NOTICE AND CONSULTATION

Please note that Petitioner has notified via certified mail local, regional, and statewide private organizations whose interests may be affected by each dam.

The organizations who have been notified via certified mail are Atlantic Salmon Federation, Great Pond Mountain Conservation Trust, Frenchman Bay Conservancy, Trout Unlimited, Conservation Law Foundation, and Natural Resources Council of Maine. See Appendix A, Tab 6. A copy of the certified mail receipts, which includes these organizations as well as those required to receive certified mailings pursuant to Application 7.C, has been included at the end of this Petition as an Attachment to the Public Notice.

Please note that the Petitioner has also sent notice to all abutting property owners via US first class mail pursuant to 38 M.R.S. § 901(3), and, pursuant to 38 M.R.S. § 902(4-A), which included notice of a public meeting in compliance with Sections 901(3), and 902(1).

NOTICE OF INTENT TO FILE

PETITION FOR RELEASE FROM DAM OWNERSHIP AND WATER LEVEL MAINTENANCE

Please take notice that Bucksport Mill LLC of 30 Generation Lane, Bucksport, ME 04416 is intending to file a petition with the Maine Department of Environmental Protection for release from dam ownership or water level maintenance under the provisions of Title 38, Maine Revised Statutes Annotated, Sections 901 to 908.

This petition pertains to the dams impounding:

- A. Alamoosook Lake, located at 31 Soper Road in the town of Orland in Hancock County;
- B. Silver Lake, located off Central Street in the town of Bucksport in Hancock County; and
- C. Toddy Pond, located off Toddy Dam Road (identified as Tax Map 039, Lot 2) in the town of Orland in Hancock County.

The petition will be filed on or around October 18, 2024 and will be available for public inspection at the DEP's offices in Augusta during normal working hours.

In the event that a new owner is not found for the dam, the DEP will issue an order requiring the dam owner to release the water from the dam.

A dam owner is not prohibited from requesting compensation for the transfer of the dam to a new owner. However, the DEP will not issue a water release order to a dam owner who has refused to transfer the dam to a person willing to assume ownership because that person refused to compensate the dam owner for the property.

A public meeting for consulting on this process will be held on October 28, 2024 from 5-630PM at the Orland Community Center, at 21 School House Road, Orland, Maine 04472.

PUBLIC NOTICE

By signing this petition, the petitioner or authorized agent certifies that he or she has:

- A. Published a completed Notice of Intent to File at least once in a newspaper circulated in the area in which the dam and impoundment are located within 30 days prior to the filing of the petition. Please see the attached email evidencing publication on the Bangor Daily News website as of October 17, 2024 and the proof evidencing publication in the Bangor Daily News paper version on October 19, 2024.
- B. Sent a copy of a completed Notice of Intent to File <u>by first class mail</u> to all persons who own property abutting the dam site, the impoundment, or the waterway immediately downstream from the dam. Please see the attached list of abutters for each project to whom notices were sent.
- C. Sent a copy of a completed Notice of Intent to File by certified mail or Certificate of Mailing to:
 - The Commissioner of Inland Fisheries and Wildlife, 41 State House Station, Augusta, ME 04333. (207-287-5202) (See Appendix A, Tab 3);
 - The Commissioner of Conservation, 22 State House Station, Augusta, ME 04333. (207-287-2211) (See Appendix A, Tab 3);
 - The Director of the Maine Emergency Management Agency, 72 State House Station, Augusta, ME 04333. (207-626-4202) (See Appendix A, Tab 3);
 - The municipal officers of any municipality and the county commissioners of any unorganized territories in which the dam or impoundment is located (See Appendix A, Tab 4); and
 - Representatives of the tribal governments of any of the following Indian tribes or nations in whose territory a dam or impoundment is located¹:
 - Governor and Tribal Council, Passamaquoddy Tribe/Pleasant Point, PO Box 343, Perry, ME 04667. (207-853-2600)
 - Governor and Tribal Council, Passamaquoddy Tribe/Indian Township, PO Box 301, Princeton, ME 04668. (207-796-2301)
 - Governor and Tribal Council, Penobscot Indian Nation, Indian Island/6 River Road, Old Town, ME 04468. (207-827-7776)
 - Tribal Chief and Tribal Council, Aroostook Band of Micmac Indians, 531 D Street, Presque Isle, ME 04769. (207-764-1972)
 - Tribal Chief and Tribal Council, Houlton Band of Maliseet Indians, RR#3 Box 450, Houlton, ME 04730. (207-532-4273)

Mandy D. Furbush

From: Sent: To: Cc: Subject: **Attachments:**

Matthew Blake <mblake@bangordailynews.com> Thursday, October 17, 2024 3:58 PM Mandy D. Furbush Katherine Joyce Legal Notice for Publication Bernsteinshur, BDN, NOI, Oct. 19.jpg

EXTERNAL EMAIL

Hello,

I am reaching out about the legal notice you were requesting to place. This is all set for the BDN Oct. 19th at \$429 and will start online today. Proof is attached.

Thank you

Matt



Legal Notices NOTICE OF INTENT TO FILE PETITION FOR RELEASE FROM DAM OWNERSHIP AND WATER LEVEL MAINTENANCE

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B. Silver Lake, located off Central Street in the town of Bucksport in Hancock

County; and C. Toddy Pond, located off Toddy Dam Road (identified as Tax Map 039, Lot 2) in the town of Orland in Hancock County.

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A public meeting for consulting on this process will be held on October 28, 2024 from 5-630PM at the Orland Community Center, at 21 School House Road, Orland, Maine 04472.

Oct. 19, 2024

Public Notice - List of Notified Individuals, Agencies, and Organizations

Please see Appendix A to this Petition for a list of notified abutting property owners, agencies, and organizations pursuant to 38 M.R.S. §§ 901 and 902.

Tab 1A. Alamoosook Lake Abutters

Tab 1B. Silver Lake Abutters

Tab 1C. Toddy Pond Abutters

Tab 1D. Property Owners Downstream of the Silver Lake Dam to the Tannery Brook Dam

Tab 1E. Property Owners Abutting the Waterway Between Toddy Pond Dam and Alamoosook

 Lake

Tab 1F. Property Owners Abutting the Narramissic River from the Alamoosook Dam to the Orland Village River Dam

Tab 2. Lake Associations

Tab 3. Required Agencies (Commissioner of IFW, Commissioner of Agriculture, Conservation, and Forestry, and Director of MEMA)

Tab 4. Municipal and County Officers

Tab 5. Tribal Representatives

Tab 6. Potentially Interested Organizations