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# Memorandum

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

**From:** J Shinay, Pete Van Hemel, Kat Joyce

**Date:** October 22, 2024

**Re:** Ownership of Silver Lake Dam, Alamoosook Lake Dam, Toddy Lake Dam

This memo is offered in support of Bucksport Mill LLC's petition regarding the Silver Lake Dam, the Alamoosook Lake Dam, and the Toddy Pond Dam. Applicant Bucksport Mill LLC is vested with title to the dams located at Silver Lake, Alamoosook Lake, and Toddy Pond by virtue of a deed recorded in the Hancock Registry of Deeds in Book 4588, Page 26 dated September 14, 2006. Title to the individual dams is more specifically described in deeds to predecessors of the Applicant and to those entities which merged with Bucksport Mill LLC, including CMP Bucksport LLC (later Verso Bucksport LLC). Please see the following descriptions of title for detailed evidence of the Applicant's right, title, and intent. Please note as you are reviewing this information that the Maine Secretary of State's office provides that CMP Bucksport LLC and Verso Bucksport LLC are former names of the entity that is now called Bucksport Mill LLC

## **1. TITLE TO SILVER LAKE DAM**

Bucksport Mill, LLC holds title to the Silver Lake Dam by virtue of a Corrective Quitclaim Deed With Covenant from International Paper Company to CMP Bucksport LLC (predecessor to Bucksport Mill, LLC), dated September 11, 2006, and recorded in the Hancock Registry of Deeds on September 14, 2006, in Book 4588, Page 26. The chain of title documents leading to Bucksport Mill, LLC's ownership is as follows:

a. The area including the Silver Lake Dam is described as Parcel 24 in a Deed from Time, Incorporated to St. Regis Paper Company dated December 17, 1946, and recorded in the Hancock Registry of Deeds at Book 711, page 434 (said area hereinafter described as "Parcel 24"). Parcel 24 includes those premises conveyed to Maine Seaboard Paper Company by Bucksport Water Company on November 30, 1935, and recorded in the Hancock Registry of Deeds at Book 648, Page 556. Parcel 24 also includes all real estate and interests covered by an exception in a deed from Charles E. and Eliza M. Pickering to Maine Seaboard Paper Company from July 11, 1930, that is recorded in the Hancock County Registry of Deeds at Book 629, Page 534. Both of these conveyances to the Maine Seaboard Paper Company are referenced in a January 29, 2015 survey produced by Plisga & Day for Verso Bucksport LLC (successor to CMP Bucksport LLC and predecessor to Bucksport Mill, LLC) to conclude that the Silver Lake Dam is located within Parcel 24. The conveyance of Parcel 24 included "all real estate and interests therein contained" as well as all related water rights in the parcel. Altogether, the description of Parcel 24 thereby conveyed all rights, title, and interest in the Silver Lake Dam to St. Regis Paper Company. The description of Parcel 24, found on page 442 of the above-described Deed, is reproduced below:

24. Also premises conveyed to Maine Seaboard Paper Company by Bucksport Water Company by Indenture dated November 30, 1935 and recorded in Hancock Registry, Book 648, Page 556, said premises being described therein as follows:

The following real estate and interests therein situated in the County of Hancock, in said State, viz:

(a) Two certain lots or parcels of land situated near the outlet of Silver Lake, in the Town of Bucksport, and being the two lots excepted from the description in a certain deed given by Gorham H. Wood, Receiver of Nicholson Fish Company, to Charles E. Pickering dated June 24, 1927 and recorded in Hancock Registry of Deeds in Book 614, Page 132, the first of said lots being described in said deed as follows: "A small parcel of land at the outlet of the pond called the 'Great Pond Dam Lot'" and the second of said lots being the lot described in said deed as "The lot of land belonging" with the power house of the Bucksport Water Company.

Meaning and intending hereby to convey and hereby conveying, whether the same is included in the foregoing description or not, all real estate and interests therein contained in and covered by the exception in a certain

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deed given by Charles E. and Eliza M. Pickering to Maine Seaboard Paper Company dated July 11, 1930, and recorded in said Registry in Book 629, Page 534, which exception in said deed reads as follows: "excepting the rights or property (if any) of the Bucksport Water Company."

(b) All flowage rights in the flowage area of said Silver Lake and Silver Lake Stream now owned by Bucksport Water Company and acquired by it by deed or otherwise, and also all other riparian rights owned by it whether acquired by deed or otherwise in and around said Silver Lake and said Silver Lake Stream, except the right of the Bucksport Water Company to discharge water into Silver Lake Stream from its filtering plant, and also hereby conveying all its right, title and interest in and to any and all land acquired by deed or otherwise which it now owns in the town of Bucksport within the flowage area of said Silver Lake below an elevation of 132 feet above mean sea level as established by the United States Geodetic Survey datum.

(c) The right to divert the water of said Silver Lake Stream, otherwise known as Mill Stream, from a certain parcel of land in said Bucksport, conveyed to the Bucksport Water Company by Melvin H. Harriman by deed dated August 2, 1930, and recorded in said Registry in Book 631, Page 15, and from any and all other lands of the Bucksport Water Company which border on said Stream, together with the right to deepen and straighten the channel of said Stream.

The grantor's lands, flowage rights, pipe line easements, diversion rights and other interest in real estate relating to or in any way connected with the water supply for its mill from or through Silver Lake are all subject to the grant of rights and easements from Maine Seaboard Paper Company to Bucksport Water Company contained in said Indenture and all covenants and easements relating thereto contained in said Indenture.

b. Following the conveyance of the Silver Lake Dam to St. Regis Paper Company as described in 1(a), St. Regis Paper Company changed their name to St. Regis Corporation by filing

with the State of New York Department of State, which change of name was subsequently recorded in the Hancock County Registry of Deeds on June 29, 1983 in Book 9009, Page 95.

c. Following the name change described in 1(b), St. Regis Corporation merged with Champion International Corporation by filing with the State of New York Department of State, a certificate of which merger was subsequently recorded in the Hancock County Registry of Deeds on May 21, 1985, in Book 9009, Page 151.

d. Following the merger described in 1(c), Champion International Corporation merged with International Paper Company by filing with the State of New York Department of State, a certificate of which merger was subsequently recorded in the Hancock County Registry of Deeds on January 17, 2001, in Book 3017, Page 191.

e. Following the merger described in 1(d), International Paper Company conveyed those timber rights in the Bucksport area it gained as a result of its merger with Champion International Corporation to IP Maine Forest LLC in a Quitclaim Deed With Covenant dated March 12, 2001 and recorded in the Hancock County Registry of Deeds on March 14, 2001 in Book 3036, Page 212. This deed does not explicitly make any mention of water rights, dam rights, or conveyance of the specific parcels that encompass the Silver Lake Dam. However, in the event that the corrective deed described below in 1(h) was not necessary, title to the Silver Lake Dam would be established by this instrument.

f. Following the conveyance to IP Maine Forest LLC as described in 1(e), IP Maine Forest LLC merged with SP Forests LLC by filing with the Office of the Secretary of State of the State of Delaware, a certificate of which merger was subsequently recorded in the Hancock County Registry of Deeds on March 27, 2001 in Book 3042, Page 257.

g. Following the merger described in 1(f), SP Forests LLC conveyed the area containing the Silver Lake Dam to CMP Bucksport, LLC in a Quitclaim Deed With Covenant dated July 28, 2006, and recorded in the Hancock County Registry of Deeds on August 8, 2006, at Book 4558, Page 148. In this Deed, SP Forests LLC conveyed its premises in Bucksport and Orland and all “improvements, buildings, structures and fixtures situated thereon or in anyway appertaining thereto.” More specifically, this Deed conveys all “water capacity and other utility capacity allocated by any public or private utility to serve the premises and the Improvements. . .” and makes direct reference to the conveyance described in 1(a). Based on this language and the prior title analysis in 1(a) – (f), this Deed attempted to convey the same real estate and appurtenant rights as Parcel 24 — including the Silver Lake Dam — to CMP Bucksport, LLC.

h. Although the conveyance described in 1(g) described the area of the Silver Lake Dam, the area of the Silver Lake Dam may not have been conveyed by International Paper Company to IP Maine Forest LLC (as described in 1(e)), and may not have passed during the merger with SP Forests LLC. Thus, International Paper Company conveyed a Corrective Quitclaim Deed With Covenant to CMP Bucksport LLC on September 11, 2006, which was recorded in the Hancock Registry of Deeds on September 14, 2006, in Book 4588, Page 26. This Corrective Quitclaim Deed served to grant the entirety of the premises, improvements, and appurtenances

described in the deed outlined at 1(g) and ensured that CMP Bucksport, LLC (predecessor to Verso Bucksport, LLC and Bucksport Mill LLC) held all right, title, and interest in the Silver Lake Dam.

## **2. TITLE TO ALAMOOSOOK LAKE DAM**

Bucksport Mill, LLC holds title to the Alamoosook Lake Dam by virtue of a Corrective Quitclaim Deed With Covenant from International Paper Company to CMP Bucksport LLC (predecessor to Bucksport Mill, LLC), dated September 11, 2006, and recorded in the Hancock Registry of Deeds on September 14, 2006, in Book 4588, Page 26. The chain of title documents leading to Bucksport Mill, LLC's ownership is as follows:

a. The area including the Alamoosook Lake Dam is described as Parcel 39 in a Deed from Time, Incorporated to St. Regis Paper Company dated December 17, 1946, and recorded in the Hancock Registry of Deeds at Book 711, page 434 (said area hereinafter described as "Parcel 39"). Parcel 39 includes those premises conveyed to Maine Seaboard Paper Company by Central Maine Power Company on February 26, 1934, and recorded in the Hancock Registry of Deeds at Book 643, Page 224. This conveyance to the Maine Seaboard Paper Company is referenced in a January 29, 2015 survey produced by Plisga & Day for Verso Bucksport LLC (successor to CMP Bucksport LLC and predecessor to Bucksport Mill, LLC) to conclude that the Alamoosook Lake Dam is located within Parcel 39. The conveyance of Parcel 39 included "all dams, mill privileges and rights of flowage . . . ." Altogether, the description of Parcel 39 thereby conveyed all rights, title, and interest in the Alamoosook Lake Dam to St. Regis Paper Company. The description of Parcel 39, found on page 447 of the above-described Deed, is reproduced below:

DAM SITE AT OUTLET OF ALAMOOSOOK LAKE

39. Also all and the same premises conveyed to Maine Seaboard Paper Company by Central Maine Power Company by deed dated February 26, 1934 and recorded in Hancock Registry of Deeds, Book 643, Page 224, subject to the exceptions, reservations, covenants and agreements therein set forth, said premises and said exceptions, reservations, covenants and agreements being described and set forth in said deed as follows:

"A certain lot or parcel of land situated in the Town of Orland, County of Hancock, said State, more particularly bounded and described as follows, to wit:

Commencing on the southwesterly side of the highway leading from the Falls Bridge, so-called, to the dwelling house of J. Foster Soper at a point opposite the southeasterly corner of the Jonathan Buck, Jr. lot, so-called; thence southwesterly across Eastern River to a point at the extreme southwesterly end of the present dam, formerly called the Upper Dam; thence southwesterly up the bank four rods; thence northwesterly down said river, keeping said distance of four rods therefrom about fifty rods to a point opposite the southwesterly corner of said Jonathan Buck, Jr. lot; thence northeasterly across said Eastern River to said highway; thence southeasterly

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along said highway to the point of beginning, together with all dams, mill privileges and rights of flowage which formerly belonged to the Eastern River Lock and Sluice Company.

Meaning and intending hereby to convey the property conveyed to Albert H. Shaw by Parker Spofford, Trustee, by his deed of September 23, 1905, recorded in Hancock Registry of Deeds, Book 425, Page 411, but excepting from the property hereby conveyed and reserving to the grantor, its successors and assigns, as upper riparian owner, the right to regulate and control in such manner as it may deem for its best interests by means of its dam and power house located at or near the outlet of Toddy Pond, so-called, the waters of said Toddy Pond and all tributaries thereof, provided, however, and the said grantor, for itself, its successors and assigns, hereby covenants and agrees to and with the said grantee, its successors and assigns, that said grantor, and its successors and assigns, shall and will so regulate and control the waters in said Toddy Pond that on October first of each year there shall be at least 7 1/2 feet of water in said Toddy Pond as measured on the gauge at the dam now existing in Toddy Pond and having a crest height of 9 feet, and that from and after October first of each year it will draw said Toddy Pond at an approximate uniform rate during the months of October, November, December, January and February next following. It is the intention of this covenant on the part of the grantor and its successors and assigns that said Toddy Pond shall be on October first of each year approximately three-quarters full and thereafter be drawn in an approximately uniform manner for the benefit of the grantee and its successors and assigns, acts of God and other causes beyond the grantor's control excepted."

Together with the benefits of and subject to the burdens of the covenants and agreements, all as more particularly set forth in a certain indenture dated October 31, 1945 by and between Central Maine Power Company and Maine Seaboard Paper Company and recorded in said Registry in Book 704, Page 239, and pertaining to the regulation of the waters of Toddy Pond.

b. Following the conveyance of the Alamoosook Lake Dam to St. Regis Paper Company as described in 2(a), St. Regis Paper Company changed their name to St. Regis Corporation by filing with the State of New York Department of State, which change of name was subsequently recorded in the Hancock County Registry of Deeds on June 29, 1983 in Book 9009, Page 95.

c. Following the name change described in 2(b), St. Regis Corporation merged with Champion International Corporation by filing with the State of New York Department of State, a certificate of which merger was subsequently recorded in the Hancock County Registry of Deeds on May 21, 1985, in Book 9009, Page 151.

d. Following the merger described in 2(c), Champion International Corporation merged with International Paper Company by filing with the State of New York Department of State, a certificate of which merger was subsequently recorded in the Hancock County Registry of Deeds on January 17, 2001, in Book 3017, Page 191.

e. Following the merger described in 2(d), International Paper Company conveyed those timber rights in the Bucksport area it gained as a result of its merger with Champion

International Corporation to IP Maine Forest LLC in a Quitclaim Deed With Covenant dated March 12, 2001 and recorded in the Hancock County Registry of Deeds on March 14, 2001 in Book 3036, Page 212. This deed does not explicitly make any mention of water rights, dam rights, or conveyance of the specific parcels that encompass the Alamoosook Lake Dam. However, in the event that the corrective deed described below in 2(h) was not necessary, title to the Alamoosook Lake Dam would be established by this instrument.

f. Following the conveyance to IP Maine Forest LLC as described in 2(e), IP Maine Forest LLC merged with SP Forests LLC by filing with the Office of the Secretary of State of the State of Delaware, a certificate of which merger was subsequently recorded in the Hancock County Registry of Deeds on March 27, 2001 in Book 3042, Page 257.

g. Following the merger described in 2(f), SP Forests LLC conveyed the area containing the Alamoosook Lake Dam to CMP Bucksport, LLC in a Quitclaim Deed With Covenant dated July 28, 2006, and recorded in the Hancock County Registry of Deeds on August 8, 2006, at Book 4558, Page 148. In this Deed, SP Forests LLC conveyed its premises in Bucksport and Orland and all “improvements, buildings, structures and fixtures situated thereon or in any way appertaining thereto.” More specifically, this Deed conveys all “water capacity and other utility capacity allocated by any public or private utility to serve the premises and the Improvements. . .” and makes direct reference to the conveyance described in 2(a). Based on this language and the prior title analysis in 2(a) – (f), this Deed attempted to convey the same real estate and appurtenant rights as Parcel 39 — including the Alamoosook Lake Dam — to CMP Bucksport, LLC.

h. Although the conveyance described in 2(g) described the area of the Alamoosook Lake Dam, the area of the Alamoosook Lake Dam may not have been conveyed by International Paper Company to IP Maine Forest LLC (as described in 2(e)), and may not have passed during the merger with SP Forests LLC. Thus, International Paper Company conveyed a Corrective Quitclaim Deed With Covenant to CMP Bucksport LLC on September 11, 2006, which was recorded in the Hancock Registry of Deeds on September 14, 2006, in Book 4588, Page 26. This Corrective Quitclaim Deed served to grant the entirety of the premises, improvements, and appurtenances described in the deed outlined at 2(g) and ensured that CMP Bucksport, LLC (predecessor to Verso Bucksport, LLC and Bucksport Mill LLC) held all right, title, and interest in the Alamoosook Lake Dam.

### **3. TITLE TO TODDY POND DAM**

Bucksport Mill, LLC holds title to the Toddy Pond Dam by virtue of a Corrective Quitclaim Deed With Covenant from International Paper Company to CMP Bucksport LLC (predecessor to Bucksport Mill, LLC), dated September 11, 2006, and recorded in the Hancock Registry of Deeds on September 14, 2006, in Book 4588, Page 26. The chain of title documents leading to Bucksport Mill, LLC’s ownership is as follows:

a. The area including the Toddy Pond Dam is described in a Deed from Central Maine Power Company to St. Regis Paper Company dated March 15, 1965, and recorded in the Hancock

County Registry of Deeds on March 16, 1965, at Book 979, Page 144 (said area hereinafter described as "Toddy Parcel"). This Deed conveys all rights to all the dams, flumes, and gates along that stream flowing into Toddy Pond, which language conveys Toddy Pond Dam on its face. This conveyance to St. Regis Paper Company is also referenced in a January 29, 2015 survey produced by Plisga & Day for Verso Bucksport LLC (successor to CMP Bucksport LLC and predecessor to Bucksport Mill, LLC) to further conclude that Toddy Pond Dam is within the Toddy Parcel. The description of these rights found on page 145 of the above-described Deed, is reproduced below:

**Also hereby conveying all rights formerly owned by Samuel P. Mason to the water in Old Stream, so called, all rights to the water in Toddy Pond, all rights to flow the land along said stream and about said Toddy Pond, all rights in and to all dams, flumes and gates along and upon said Old Stream, and all rights in the water in the sluice way or channel, all as more particularly set forth in a certain deed given by Samuel P. Mason to Albert H. and William M. Shaw dated January 15, 1907 and recorded in Hancock County Registry of Deeds in Book 437, Page 69.**

Book 979, Page 145

b. Following the conveyance of the Toddy Pond Dam to St. Regis Paper Company as described in 3(a), St. Regis Paper Company changed their name to St. Regis Corporation by filing with the State of New York Department of State, which change of name was subsequently recorded in the Hancock County Registry of Deeds on June 29, 1983 in Book 9009, Page 95.

c. Following the name change described in 3(b), St. Regis Corporation merged with Champion International Corporation by filing with the State of New York Department of State, a certificate of which merger was subsequently recorded in the Hancock County Registry of Deeds on May 21, 1985, in Book 9009, Page 151.

d. Following the merger described in 3(c), Champion International Corporation merged with International Paper Company by filing with the State of New York Department of State, a certificate of which merger was subsequently recorded in the Hancock County Registry of Deeds on January 17, 2001, in Book 3017, Page 191.

e. Following the merger described in 3(d), International Paper Company conveyed those timber rights in the Bucksport area it gained as a result of its merger with Champion International Corporation to IP Maine Forest LLC in a Quitclaim Deed With Covenant dated March 12, 2001 and recorded in the Hancock County Registry of Deeds on March 14, 2001 in Book 3036, Page 212. This deed does not explicitly make any mention of water rights, dam

rights, or conveyance of the specific parcels that encompass the Toddy Pond Dam. However, in the event that the corrective deed described below in 3(h) was not necessary, title to the Toddy Pond Dam would be established by this instrument.

f. Following the conveyance to IP Maine Forest LLC as described in 3(e), IP Maine Forest LLC merged with SP Forests LLC by filing with the Office of the Secretary of State of the State of Delaware, a certificate of which merger was subsequently recorded in the Hancock County Registry of Deeds on March 27, 2001 in Book 3042, Page 257.

g. Following the merger described in 3(f), SP Forests LLC conveyed the area containing the Toddy Pond Dam to CMP Bucksport, LLC in a Quitclaim Deed With Covenant dated July 28, 2006, and recorded in the Hancock County Registry of Deeds on August 8, 2006, at Book 4558, Page 148. In this Deed, SP Forests LLC conveyed its premises in Bucksport and Orland and all “improvements, buildings, structures and fixtures situated thereon or in any way appertaining thereto.” More specifically, this Deed conveys all “water capacity and other utility capacity allocated by any public or private utility to serve the premises and the Improvements. . . ” and makes direct reference to the conveyance described in 3(a). Based on this language and the prior title analysis in 3(a) – (f), this Deed attempted to convey the same real estate and appurtenant rights as Toddy Parcel — including the Toddy Pond Dam — to CMP Bucksport, LLC.

h. Although the conveyance described in 3(g) described the area of the Toddy Pond Dam, the area of the Toddy Pond Dam may not have been conveyed by International Paper Company to IP Maine Forest LLC (as described in 3(e)), and may not have passed during the merger with SP Forests LLC. Thus, International Paper Company conveyed a Corrective Quitclaim Deed With Covenant to CMP Bucksport LLC on September 11, 2006, which was recorded in the Hancock Registry of Deeds on September 14, 2006, in Book 4588, Page 26. This Corrective Quitclaim Deed served to grant the entirety of the premises, improvements, and appurtenances described in the deed outlined at 3(g) and ensured that CMP Bucksport, LLC (predecessor to Verso Bucksport, LLC and Bucksport Mill LLC) held all right, title, and interest in the Toddy Pond Dam.