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Russell B. Pierce, Jr.

November 14, 2025

**VIA EMAIL/PDF ONLY - Melanie.Loyzim@maine.gov
Laura.Paye@maine.gov**

Melanie Loyzim, Commissioner
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

Laura Paye
Hydropower Coordinator
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

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 Commissioner Loyzim and Ms. Paye:

On behalf of the Towns of Orland, Surry, Penobscot, and Blue Hill (the “Towns”), we are taking this opportunity to report to the Department in response to the Department’s request for comment of October 15, 2025.

The Acts establishing the Alamoosook Lake Watershed Management District and the Toddy Pond Watershed Management District (Chapter Laws H.P. 348/L.D. 529 and H.P. 350/L.D. 53) have been previously submitted on the Department’s record in this matter, by our correspondence of September 19, 2025. As the Department, Petitioner, and Interested Parties are aware, the respective Acts were submitted for approval to the legal voters of the Towns on November 4, 2025. The results of each town’s votes were to establish the respective watershed district and approve the town’s participation as provided under the terms of each Act.

The watershed districts have governance provisions addressing the appointment or election of individuals to serve on the watershed district’s board of trustees, which manages the

affairs of the watershed district. The town-appointed trustees for both watershed districts have been appointed and have agreed to serve. They are:

For the Alamoosook Lake Watershed Management District:

John Gary

Brian Sale

George Schelling

For the Toddy Pond Watershed Management District:

Jonathan Albrecht

Lee Bigham

Richard Crampton

George MacLeod

Steve Rappaport

The respective waterfront property owners, who under the terms of each watershed district elect additional trustees to each board, will elect their trustees by December 1, 2025.

Upon establishing the watershed district boards of trustees, the watershed districts will then be in a position to negotiate the terms of transfer of the dams and related real estate. As previously argued on the record, if the transfers are to be accomplished as part of a Title 38 procedure, those negotiations must include Bucksport Generation's approval of the transfer to the watershed districts as successors to easement-burdened "servient" title and as successors to a facility sharing agreement with Bucksport Generation.

Further, these negotiations will need to address the deferred maintenance, capital expenditure, and ongoing maintenance costs and issues for the Alamoosook Lake dam and Toddy Pond dam, the amounts and estimates for which are reflected in the GEI Consultants, Inc. reports submitted on the record with our September 19, 2025 correspondence. While Bucksport Generation's submission to the Department today focused on the Silver Lake dam and water intake infrastructure that will not be a part of any transfer to the watershed districts for Alamoosook Lake and Toddy Pond, we envision that the negotiations will necessarily have to address the deferred maintenance, capital expenditure, and/or maintenance costs of the Alamoosook Lake and Today Pond dams as well.

We do not oppose Bucksport Generation's request that these negotiations take place within a set period of time (i.e., the next 180 days) and with regular reports to the Department while the above-referenced petition remains pending. We would like to emphasize, however, that negotiations need not necessarily be consolidated on all three dams that are part of the consolidated petition. In other words, if there is a benefit in transfer negotiations to addressing the Alamoosook Lake dam and the Toddy Pond dam and their watershed districts separately from the Silver Lake dam, we reserve that option on behalf of the watershed district boards of trustees in the upcoming negotiations.

November 14, 2025

Page 3

Very truly yours,

/s/ Russell B. Pierce, Jr.

Russell B. Pierce, Jr.

RBP/

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Town of Orland; Town of Surry; Town of Penobscot; and Town of Blue Hill [client email]