



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

July 30, 2024

Katherine Joyce
Bernstein, Shur, Sawyer & Nelson, P.A.
100 Middle Street
Portland, ME 04104
Via email
kjoyce@bernsteinshur.com

RE: Return of Petition for Release from Dam Ownership

Dear Ms. Joyce:

The Maine Department of Environmental Protection (Department) has reviewed the combined Petitions for Release from Dam Ownership related to Bucksport Mill, LLC’s ownership of the dam and impoundment at Silver Lake and AIM Demolition USA LLC’s ownership of the dams and impoundments at Alamoosook Lake and Toddy Pond (collectively, the petitions). The Department sent a letter on July 23, 2024, to petitioners outlining deficiencies in the petitions, and counsel for petitioners sent additional information supplementing the petitions to the Department on July 26, 2024. The Department cannot accept the petitions for processing at this time due to remaining notice deficiencies and the need for additional information.

Remaining Notice Deficiencies. The petitions cannot be accepted for processing until the Department determines petitioners have satisfied notice requirements under 38 M.R.S. §901. The Department, however, has been contacted by multiple entities and property owners abutting the waterbodies at issue in the petitions, stating that they did not receive notice of the petitions. For instance, the Department has been informed that the Craig Brook National Fish Hatchery abutting Alamoosook Lake was not given notice. The Department has also been informed that individuals in Orland, Bucksport, Surry, Blue Hill, and Penobscot that are property owners abutting the waterbodies were not given notice. For example, the Town of Orland has provided the Department with a list of property owners (attached hereto) that the Town believes have not been sent notice. The Department encourages petitioners to reach out to municipalities to ensure all abutting property owners and impacted entities are properly notified.

Please also note that 38 M.R.S. §901 states, “[n]ot more than 30 days before filing a petition, the dam owner shall publish notice of intent to file a petition under this article at least once in a newspaper circulated in the area in which the dam and impoundment are located. The dam owner shall notify by certified mail the persons listed in section 902. . . The dam owner shall notify abutting property owners as provided in subsection 3.” If notice requirements can be met and the petitions refiled within this 30-day window, which by the Department’s count is August 11, 2024, the property owners already notified would not need additional notice. However, notice

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
207-941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

must be sent again to all persons and entities already notified if petitioners decide to hold a public meeting to meet consultation requirements under 38 M.R.S. §902(1).

Additional Information Requested. To accept the petitions, the Department also requires more information pertaining to the operations and maintenance plans provided in the supplemental information to the petitions dated July 26, 2024. The Department requests the following:

- Page 5 of the Alamoosook Lake Dam O&M Manual states, “[e]ach spring (April-May), an inspection of the dam will be performed by the Owner or Owner’s representative. . . [e]ach fall (October-November) an inspection of the dam will be performed by the Owner or Owner’s representative.” Please provide inspections of the Alamoosook Lake dam that have occurred over the past year. Please also provide any maintenance that has occurred at the Alamoosook Lake dam over the past year.
- Page 5 of the Silver Lake Dam O&M Manual states, “[e]ach spring (April-May), an inspection of the dam will be performed by the Owner or Owner’s representative. . . [e]ach fall (October-November) an inspection of the dam will be performed by the Owner or Owner’s representative.” Please provide inspections of the Silver Lake dam that have occurred over the past year. Please also provide any maintenance that has occurred at the Silver Lake dam over the past year.
- Page 5 of the Toddy Pond Dam O&M Manual states, “[e]ach spring (April-May), an inspection of the dam will be performed by the Owner or Owner’s representative. . . [e]ach fall (October-November) an inspection of the dam will be performed by the Owner or Owner’s representative.” Please provide inspections of the Toddy Pond dam that have occurred over the past year. Please also provide any maintenance that has occurred at the Toddy Pond dam over the past year.

Given the Department’s 15-day petition review deadline of July 30, 2024, set forth in 38 M.R.S. §901(1), as well as the remaining notice deficiencies and the need for additional information outlined above, the Department must return your petitions as deficient. Also as noted above, the petitions may be refiled on or before August 11, 2024, without re-noticing previously noticed persons and entities, but notice must be sent again to all persons and entities already notified if petitioners choose to hold a public meeting to meet consultation requirements under 38 M.R.S. §902(1).

Your fees will be returned along with your application. If you have any questions about this matter, please contact me at laura.paye@maine.gov or (207) 219-9563.

Sincerely,



Laura Paye
Hydropower Coordinator
Maine Department of Environmental Protection

Attachments: Spreadsheets with Alamoosook Lake property owners, Orland Toddy Pond property owners, Penobscot Toddy Pond property owners, Blue Hill Toddy Pond property owners, Surry Toddy Pond property owners