From:	David Littell
To:	Paye, Laura; Matthew White; Joanna B. Tourangeau; Kat (Joyce) Stratton
Cc:	Russell B. Pierce
Subject:	RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report
Date:	Monday, September 14, 2026 4:01:17 PM
Attachments:	Town_of_Bucksport.Dam.transfer.Doc.10SEPT2026.Resolve.DOC036.pdf

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Laura and all,

Attached is the Town of Bucksport's Resolve No. 2027-24 approving the documents negotiated with the parties that would take on financial, management, and ownership obligations of the Silver Lake Dam post-transfer to the Town. The Town Council officially approved the documents at a public meeting on Thursday night, September 10, 2026 for the Town to accept, subject to a Town vote on the transfer. As reported previously, these documents were final at the end of August after Bucksport Generation, Maine Water Company, and the Town sprinted to make the timing for a Town vote this November. The Town Council considered the documents in executive session and then public session.

The Town is happy to share these underlying documents with the Department or the Attorney General's office , if desired. The water easement revision is particularly complex. That complexity is a direct result of the original document, authored by Bucksport Mill (Mill) when it created the initial water system arrangements in the 2019-time frame as it sold off parts of the former mil. The revised documents approved relieve the dam owner of certain responsibilities and outline a working relationship among the Town, and Bucksport Generation, Maine Water Company for the Town to own the dam and Bucksport Generation Maine Water Company to participate in post-transfer activities with the Town related to the Silver Lake Dam.

The Town would step into the place of Mill after a closing regarding the Silver Lake Dam, which would entirely transfer to the Town. The documents would be signed and placed in escrow by Mill and each party in advance of a closing. These documents do not materially increase any of Mill's obligations, but the does not even matter as the Town will be accepting the dam in a closing so the Town will assume Mill's obligations in these documents before any revised revision takes effect. In short, while the documents are complex, there is no reason for Mill to have any concern as they would facilitate a transfer to the Town and the Town, not Mill, is accepting the obligations in the revised documents.

As to timing, the Resolve reflects that we have missed the deadline for a vote to occur this November. This is unfortunate as the Town, Bucksport Generation, and Maine Water Company engaged in extensive work over the summer to facilitate the Mill's desire to abandon the dam by taking advantage of what is anticipates will be a high voter turnout in November. This

summer's work was a substantial sprint through August to finalize these documents, only to have Mill disengage during a critical time frame at the end of August that would have allowed a vote this year with agreements on the terms of a Silver Lake Dam transfer. The Town is happy to provide a chronology of discussions, if helpful, and notes now that it had not heard anything from Mill since August 18 until we sent a courtesy copy of the adopted Resolve to Mill on September 11. As previously related, Mill told us on August 18 with BuckGen's team present that it "will not meet the Town's timing of documents by end August" for a vote this year.

That said, the Town hopes to have all the definitive documents and funding placed into escrow to allow a vote next year having lost this year. The deadline for next year's vote to have these documents and funding in an escrow is the **end of July 2027 as the Town sets up its November ballot during July or August at the latest and requires two readings as well as a public hearing on a ballot measure to happen in July or August**. The Town expects the Mill to honor its commitment to meet the Town's request for $1.5 million to make up for deferred maintenance and capital on the dam and to fund the Town to maintain the dam for a number of years. Mill has previously represented to the Department that it would meet the Town's financial terms (which have not changed). Critically, the Town also expects the Mill and AIM to maintain the dam properly and safely until a time it can be transferred: Silver Lake's dam is one of only 44 high-hazard dams overseen directly under MEMA jurisdiction.

We understand that the real hold-up here is that Bucksport Generation and Maine Water Company have requested compensation for the Mill's water supply obligations that Mill/AIM seek to effectively walk away from. As far as the Town is concerned, those issues are between the Mill/AIM and Bucksport Generation and Maine Water Company, respectively. The Town is willing to participate in discussions to finalize a transfer agreement with Mill and an escrow agreement and hopes to see Mill engage constructively. We are surprised to see Mill making a very technical legal argument that it can effectively breach terms of its own easement it drafted in the 2019-time frame. Mill argues it somehow has adequate right, title, and interest over the dam to violate terms of the easement and breach its own drafted easement, and Mill wants the Department to ignore clear evidence that it does not have the legal interests to do so. That is a very technical real estate lawyer's argument as to title that seems to ignore the right and interest part of right, title, and interest.

Given the substantial investment of time and resources to reach this point, not to mention the multiple extensions of this Petition, the Town respectfully suggests that Department should dismiss the Petition, rather than extend again, as to Silver Lake to allow the parties to negotiate transfers as outlined herein. The Town emphasizes that it is prepared to continue to work with Mill and other parties - *whether the Mill's Petition is pending or not* - to facilitate a transfer on the terms discussed with Mill and the other two Silver Lake parties. The Silver Lake parties have negotiated drafts of all relevant agreements. What remains is for the parties to finalize those agreements and financial terms and place the documents and funds into a binding escrow. The Dam Abandonment Statute contemplates transfers to municipal hosts and that is particularly important where a dam one of the 44 dams classified as high-hazard by

MEMA.

Dismissal is appropriate here where the parties have provided the petitioner with a clear and actionable road map to transfer, the petitioner has made commitments to the transferees, right and interest seem to be missing to pursue the petition, and Department oversight of the process is no longer necessary to achieve transfers requested.

Thank you for the Department's consideration of the Town's comments. The Town is open to answering any questions the Department or the Attorney General's office may have on this matter which is of extremely high importance to the Town of Bucksport.

Best regards,

David

David Littell
BERNSTEINSHUR - Shareholder Attorney
207-228-7156 direct
207 592-1188 mobile
@https://twitter.com/DavidPLittell
My Bio | Portland, ME

Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

From: Paye, Laura <Laura.Paye@maine.gov>
Sent: Friday, September 4, 2026 12:13 PM
To: Matthew White <mwhite@bernsteinshur.com>; Joanna B. Tourangeau <JTourangeau@dwmlaw.com>; David Littell <dlittell@bernsteinshur.com>; Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Cc: Russell B. Pierce <rpierce@nhdlaw.com>
Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

EXTERNAL EMAIL

Good afternoon,

Attached is the Department's updated Consultation Report requirements.

Please reach out if you have any questions.

Best,

Laura

From: Matthew White <mwhite@bernsteinshur.com>
Sent: Thursday, August 20, 2026 11:48 AM
To: Paye, Laura <Laura.Paye@maine.gov>; Joanna B. Tourangeau <JTourangeau@dwmlaw.com>; David Littell <dlittell@bernsteinshur.com>; Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Cc: Russell B. Pierce <rpierce@nhdlaw.com>
Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

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Hi Laura,

Attached please find Bucksport Mill's response to your August 18 letter request.

Please do not hesitate to contact us if you have any questions or require additional information.

Thanks,
Matt

Matthew White
BERNSTEINSHUR - Associate Attorney
207-228-7107 direct
My Bio | Portland, ME

Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

From: Paye, Laura <Laura.Paye@maine.gov>
Sent: Tuesday, August 18, 2026 11:07 AM
To: Joanna B. Tourangeau <JTourangeau@dwmlaw.com>; David Littell <dlittell@bernsteinshur.com>; Matthew White <mwhite@bernsteinshur.com>; Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Cc: Russell B. Pierce <rpierce@nhdlaw.com>
Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

EXTERNAL EMAIL

Good morning,

Please see the attached Department letter establishing a new deadline for an update to the Consultation Report.

Best,
Laura

Laura Paye (she/her)
Hydropower Coordinator
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 219-9563

From: Joanna B. Tourangeau <JTourangeau@dwmlaw.com>
Sent: Wednesday, August 12, 2026 12:46 PM
To: David Littell <dlittell@bernsteinshur.com>; Paye, Laura <Laura.Paye@maine.gov>; Matthew White <mwhite@bernsteinshur.com>; Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Cc: Russell B. Pierce <rpierce@nhdlaw.com>
Subject: Re: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

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Good afternoon:

Bucksport Generation LLC joins the Town of Bucksport's request for an interim August 26, 2026, deadline for the Mill's updated report on this extended consultation process under 38 M.R.S. Section 902 and respectfully, but strongly, affirms the Town's cited justifications for same.

Thank you for considering,
Joanna

Get Outlook for iOS

From: David Littell <dlittell@bernsteinshur.com>
Sent: Friday, 07 August 2026 16:28:37
To: Paye, Laura <Laura.Paye@maine.gov>; Matthew White <mwhite@bernsteinshur.com>; Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>

Cc: Russell B. Pierce <rpierce@nhdlaw.com>; Joanna B. Tourangeau <JTourangeau@dwmlaw.com>
Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

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Dear Laura and all,
The Town apologizes that it could not respond quickly to Bucksport Mill's supplemental update filed on Monday of this week. The DEP acted on Wednesday to grant a substantial extension of time into November to the Petitioner. The Town writes to request the addition of an earlier reporting deadline of August 26 (in addition to the DEP's set deadline in November); that would be the key decision point and reporting deadline for the Town's decision to schedule a vote and would be helpful. It would be particularly helpful because the Town observes that no real progress has been made in negotiations with Bucksport Mill other than in the weeks immediately preceding a DEP reporting deadline.
The Town also understands that neither Bucksport Mill, Bucksport Generation, nor Maine Water have plans to meet to negotiate resolution of their issues with each other. The lack of negotiations between these three Silver Lake parties is extremely concerning as they have issues to resolve and documents to draft with the Town to move forward. All three parties are talking with the Town but very little with each other. The Town hopes to motivate direct negotiations as there are substantial issues that these three Silver Lake parties need to resolve among themselves to facilitate a dam transfer
By way of more information, the next day after the DEP extended the reporting and petition, yesterday which was August 6, Bucksport Mill responded to the Town that is unwilling to commit to the financial terms the Town requested months ago and that BuckMill indicated to Town about June 16 and the Department in BuckMill's June 17, 2026 report that BuckMill accepted in June. This is both surprising and unhelpful as the Town Council agreed to move forward with negotiations based on Bucksport Mill's representation to the Town, repeated to DEP, that it agreed to the Town's financial terms to take the dam to defray the Town's costs to be incurred. Based on BuckMill's verbal and written financial commitment, the Town has expended over one hundred thousand dollars, well beyond its legal budget, to negotiate six different documents with three parties on Silver Lake.
Bucksport Mill's change in position is a step backwards at a minimum after the Town's planned first reading of the vote resolve. It further emphasizes why the Town needs binding commitments to move forward with a Town vote – parties can and do renege on their commitments. The Town therefore respectfully requests that the DEP add another reporting deadline on August 26. The Town asks for August 26 as a reporting deadline because the next day, August 27, is the last possible date for the Town to undertake a public first reading of a resolve to put this on the November ballot. The Town has twice delayed its scheduled vote due to lack of progress in negotiations and at this point -- with a first reading on August 27 -- will need to make special arrangements for expedited ballot printing and delivery to meet the State's absentee ballot requirements. Given Bucksport Mill change in what it told the Town and the Department, the Town respectfully hopes that Bucksport Mill can resolve its issues

directly with other parties so these documents can be in agreed upon final form so the Town Council can move forward with the first reading of the resolve to schedule a vote at the end of August.
In short, the Town believes based on past actions by the parties that the negotiations will not proceed expeditiously to allow for scheduling of a Town vote if there is not substantial attention over the next several weeks. A DEP reporting deadline of August 26 may motivate the parties to put forward an effort to negotiate with each other.
Thank you for considering this request.
Respectfully,
David Littell
Counsel for the Town of Bucksport

David Littell
BERNSTEINSHUR - Shareholder Attorney
207-228-7156 direct
207 592-1188 mobile
@https://twitter.com/DavidPLittell
My Bio | Portland, ME

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From: Paye, Laura <Laura.Paye@maine.gov>
Sent: Wednesday, August 5, 2026 4:39 PM
To: Matthew White <mwhite@bernsteinshur.com>; Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Cc: David Littell <dlittell@bernsteinshur.com>; Russell B. Pierce <rpierce@nhdlaw.com>; Joanna B. Tourangeau <jtourangeau@dwmlaw.com>
Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

EXTERNAL EMAIL

Good afternoon,

Please see the Departments response, attached.

Feel free to reach out with any questions!

Best,
Laura

Laura Paye (she/her)
Hydropower Coordinator
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 219-9563

From: Matthew White <mwhite@bernsteinshur.com>
Sent: Monday, August 3, 2026 5:02 PM
To: Paye, Laura <Laura.Paye@maine.gov>; Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Cc: David Littell <dlittell@bernsteinshur.com>; Russell B. Pierce <rpierce@nhdlaw.com>; Joanna B. Tourangeau <jtourangeau@dwmlaw.com>
Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

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Hi Laura,

Attached please find another supplement to Bucksport Mill's Consultation Report. Please do not hesitate to contact me if you have any questions.

Thanks,
Matt

Matthew White
BERNSTEINSHUR - Associate Attorney
207-228-7107 direct
My Bio | Portland, ME

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From: Paye, Laura <Laura.Paye@maine.gov>
Sent: Friday, June 26, 2026 10:46 AM
To: Matthew White <mwhite@bernsteinshur.com>; Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Cc: David Littell <dlittell@bernsteinshur.com>; Russell B. Pierce <rpierce@nhdlaw.com>; Joanna B. Tourangeau <jtourangeau@dwmlaw.com>

Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

EXTERNAL EMAIL

Good morning,

Please see the Department's correspondence providing the requested extension.

Feel free to reach out with any questions.

Best,
Laura

Laura Paye (she/her)
Hydropower Coordinator
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 219-9563

From: Matthew White <mwhite@bernsteinshur.com>
Sent: Wednesday, June 17, 2026 4:56 PM
To: Paye, Laura <Laura.Paye@maine.gov>; Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Cc: David Littell <dlittell@bernsteinshur.com>; Russell B. Pierce <rpierce@nhdlaw.com>; Joanna B. Tourangeau <jtourangeau@dwmlaw.com>
Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

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Hi Laura,

Attached please find Bucksport Mill's supplement to our Consultation Report. Please do not hesitate to contact me if you have any questions.

Thanks,
Matt

Matthew White

BERNSTEINSHUR - **Associate Attorney**
207-228-7107 direct
My Bio | Portland, ME

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From: Paye, Laura <Laura.Paye@maine.gov>
Sent: Friday, December 19, 2025 2:43 PM
To: Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Cc: David Littell <dlittell@bernsteinshur.com>; Russell B. Pierce <rpierce@nhdlaw.com>; Joanna B. Tourangeau <jtourangeau@dwmlaw.com>; Matthew White <mwhite@bernsteinshur.com>
Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

EXTERNAL EMAIL

Good afternoon,

Please see the Department's response, attached.

Happy holidays!
Laura

Laura Paye (she/her)
Hydropower Coordinator
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 219-9563

From: Matthew White <mwhite@bernsteinshur.com>
Sent: Monday, December 8, 2025 4:49 PM
To: Paye, Laura <Laura.Paye@maine.gov>; Loyzim, Melanie <Melanie.Loyzim@maine.gov>
Cc: Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>; David Littell <dlittell@bernsteinshur.com>; Russell B. Pierce <rpierce@nhdlaw.com>; Joanna B. Tourangeau <jtourangeau@dwmlaw.com>
Subject: FW: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

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Hi Laura,

Attached please find Bucksport Mill's response to the Department's November 21, 2025 request for information in connection with the above-referenced proceeding.

Please let us know if you have any questions or require additional information.

Thanks,
Matt

Matthew White
BERNSTEINSHUR - Associate Attorney
207-228-7107 direct
My Bio | Portland, ME

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From: Paye, Laura <Laura.Paye@maine.gov>
Sent: Friday, November 21, 2025 2:00 PM
To: Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>; Loyzim, Melanie <Melanie.Loyzim@maine.gov>
Cc: David Littell <dlittell@bernsteinshur.com>; Russell B. Pierce <rpierce@nhdlaw.com>; jtourangeau@dwmlaw.com
Subject: RE: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

EXTERNAL EMAIL

Good afternoon,

Please see the attached request for additional information.

Best,
Laura

Laura Paye (she/her)
Hydropower Coordinator
Bureau of Land Resources
Maine Department of Environmental Protection

(207) 219-9563

From: Kat (Joyce) Stratton <kjoyce@bernsteinshur.com>
Sent: Friday, October 10, 2025 3:53 PM
To: Paye, Laura <Laura.Paye@maine.gov>; Loyzim, Melanie <Melanie.Loyzim@maine.gov>
Cc: David Littell <dlittell@bernsteinshur.com>; Russell B. Pierce <rpierce@nhdlaw.com>; jtourangeau@dwmlaw.com
Subject: DEP Application # L-31353-36-B-N – Bucksport Mill, LLC - Consultation Report

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Good afternoon,

Please see the attached report on the consultation process conducted pursuant to the DEP process for the referenced Petition.

I hope you all enjoy a lovely holiday weekend.

Best,

Kat

Kat (Joyce) Stratton
she/her/hers pronouns
Shareholder
Energy & Environmental Practice Group Leader
207-228-7297 direct
207 774-1200 main
207 774-1127 fax
My Bio | LinkedIn

BERNSTEINSHUR
Portland, ME | Manchester, NH | Augusta, ME | bernsteinshur.com

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RESOLVE NO. 2027-24

RESOLVE AUTHORIZING THE TOWN MANAGER TO EXECUTE AGREEMENTS WITH MAINE WATER COMPANY AND BUCKSPORT GENERATION LLC PENDING A TOWN REFERENDUM

WHEREAS, the Silver Lake Dam (the dam) located in the Town is a high-hazard dam as classified by the Maine Emergency Management Agency (MEMA); and

WHEREAS, as a high-hazard dam, the failure of the dam is classified by MEMA as posing a risk to life and/or property in the Town should the dam fail; and

WHEREAS, the current dam owner, Bucksport Mill LLC, has petitioned the State of Maine for permission to abandon the dam; and

WHEREAS, the Town has an interest in ensuring the dam is properly maintained to avoid risk to citizens and property in Town; and

WHEREAS, the Maine Water Company and the Bucksport Generation draw water for over 700 Bucksport residents and business and cooling water respectively from Silver Lake and desire to have the dam maintained;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that the Town Manager is hereby authorized to accept, following a Town vote, and execute as necessary, as follows:

1. A Second Amendment Indenture between Maine Water Company and Bucksport Mill, LLC as the current owner of the dam until it is transferred to the Town,
2. An Operations and Management Agreement between the Maine Water Company and the Town of Bucksport related to the dam, and
3. An Amended and Restated Easement between Bucksport Mill, LLC, as the current owner of the dam until it is transferred to the Town, and Bucksport Generation LLC.
4. Which acceptance and/or execution of the documents is to take place after a Town vote which is likely to occur in November of 2027 in light of delays in the negotiations with Bucksport Mill, LLC.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 10th day of September, 2026.

The Town Council extends its appreciation to Bucksport Generation LLC and Maine Water Company for extensive and significant efforts over the last several months to finalize these documents to facility Bucksport Mill, LLC's request to abandon the dam which poses a complex set of difficulties for the Town and each of Bucksport Generation LLC and Maine Water Company to which the three entities have negotiated a structure to facilitate Bucksport Mill, LLC's desire to no longer own or operate the dam.

YEAS: 6 NAYS: 0 ABSTAINED:0 ABSENT: 1 (Therrien)

ATTEST: _____
LYNDSEY DOW, TOWN CLERK