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Cc: [Matthew White](#)
Subject: Update Report to the DEP on DEP Application # L-31353-36-B-N – Bucksport Mill, LLC
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Dear Ms. Paye:

This is an update from the Town of Bucksport on activity related to the Silver Lake dam and Bucksport Mill, LLC petition to abandon its three dams.

Town Agreements with Bucksport Generation and Maine Water are done

The Town Council met in executive session last night, August 27, to review three documents with Bucksport Generation, LLC and Maine Water Company that fully define the structure by which these three entities will accept and manage the Silver Lake Dam. The Town has spent considerable time, effort, and expense to negotiate revisions to the prior documents which bind Bucksport Mill, LLC (“Mill”) now to manage and own the Silver Lake dam and provide water to Bucksport Generation and Maine Water Company. These three remaining parties which would inherit the obligations, commitments, and liabilities related to the Silver Lake dam are fully aligned, not just on terms but on actual legal documents to effect a transfer, which had to occur before a Town vote.

Mill’s Unwillingness to have Substantive Settlement Discussion in Last Several Weeks regarding of its Principal Being Unavailable

Unfortunately, Mill has been unresponsive in efforts to reach final documents and made little effort to reach agreement on documents or terms prior to today for the Town to put this issue on the November ballot this year. Mill has also been unresponsive the Town’s request to put its commitment to the Town’s financial terms which is made in June of 2026 (as reported to the Department by Mill itself in June) into a legal document. The Town does not understand why Mill has changed what it committed to in June.

The Town’s perspective is that, for whatever reason, Mill has not been able or willing to put the pieces in place to allow for a Town vote to occur this year. By way of simple example, the Town has not heard from Mill on the transfer agreement draft for three weeks, since August 6, which was only provided to the Town at the end of July. The Town responded to the Mill’s August 6 version 2 business days later on August 11 and has no response from Mill on the document (the commercial equivalent of a residential purchase and sale) since then. The Town cannot move forward with a vote without a transfer agreement any more than a bank would commit to finance a mortgage without a binding purchase and sale agreement in place. Of course, Mill is a sophisticated commercial party and

understands a transfer to the Town cannot be authorized without a transfer agreement.

Note on negotiations in the last several weeks

We know that the Department does not have an interest in the getting into the details of these negotiations. Suffice it to say that the Town's perspective on the August 18 call with both Bucksport Generation and Mill (where the Town was largely an observer to their negotiation of their settlement) is different than related in Mill's August 20 letter to the Department. The Town's perspective with the August 18 call was one of extreme frustration. Prior to that call, Bucksport Generation and the Town presented a revision of the Water Easement to Mill from what the Mill itself drafted in 2019 when it sold the Bucksport Generation facility. Mill's attorneys sent back questions and when there was discussion of questions Mills attorneys did not respond to the discussion or any questions with anything other than "I'm not sure," "I do not know," or "that's a good question." Notably, this document relieves Mill of its ownership of the dam once transferred as it has requested in its petition. Yet, the only three substantive responses I recall were i) the Mill insisted that the August 26 reporting deadline and Town's 27 ballot authorization deadline would not be met and when asked if September 1 was feasible, that answer was "No, not September 1." ii) Mill did not provide any willingness to discuss timing or substantive terms other than non-responsiveness answers. lii) Mill confirmed it had not responded to Maine Water Companies settlement terms from quite a while ago so the Town has the same information from MWC and Mill that there is no response to MWC's settlement offer. In fact, Mill did not provide a single response in that call that moved the negotiation forward despite suggestions, attempts, and questions from Bucksport Generation and an offer of one apparent major concession (not a Town issue but an issue on a contractual cancellation issue if I understand correctly). Attorneys in these situations, and Mill has capable attorneys, usually negotiate terms and revisions to take back to their clients. Bucksport Generation had all its attorneys and principles on the call ready to negotiate a settlement of the water easement. But Mill had only two attorneys and Mill's attorneys have been unwilling to discuss settlement terms or do so over the last several weeks. So while Mill reports that progress is being made to the Department, the Town has not seen that progress with or from Mill. The Town has only seen Mill pull back on previous commitments in the last several weeks and be non-responsive on settlement terms including transfer of the dam other than to state that the timing to get the transfer on the Town's November ballot will not be met.

The Town Manager and Council have been committed to this process and gone far above the Town's legal budget to negotiate complex documents (to modify the documents that bind Mill) so that the Town has an arrangement with Bucksport Generation, LLC, and Maine Water Company to manage the Silver Lake Dam. We've been successful as between the three parties mentioned who have committed the resources to negotiating these documents to receive a transfer of the dame and set up a structure of commitments to manage the dam and finance neglected capital work on the dam with the monies promised by Mill.

Suggestion for moving forward

The Mill has had full awareness of the deadline for the last several months, and in fact the Town

twice moved that deadline back from its ordinary ballot authorization schedule which put the initial deadline at end of July. Most of the negotiations at this point may be between Mill and Bucksport Generation and Maine Water to settle their financial terms. To be clear, the Town will continue to negotiate with Mill. Those negotiations on financial settlement terms to settle Mill's commitments are between Mill which seeks to cancel those obligations and Gen and Maine Water and appear to involve neither the Town nor the Department. That said, the Town is concerned that Mill continues to run out the clock on all impacted parties while asking for the petition to abandon to remain active. At this point, given the Mill's obligation to offer the dams to the municipality under the dam abandonment statute and negotiate in good faith to make that happen, the Town suggests the petition be denied as to the Silver Lake dam after repeated extensions from the Department. In the meantime and even with a dismissal of the Mill's petition, the Town will work with the parties to advance this toward a full settlement and vote in November 2027 ballot.

Please do not hesitate to contact the Town with any questions the Department might have.

Best,

David

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