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VIA EMAIL

November 18, 2024

David Littell, Esq.
Bernstein Shur
100 Middle Street
Portland, ME 04104

Re: DEP Petition regarding Silver Lake Dam

Dear David:

This letter is in response to your November 6 letter requesting information from Bucksport Mill, LLC (“Bucksport Mill”). In the spirit of cooperation, Bucksport Mill is responding on the requested date of November 18.

Bucksport Mill understands that both you and representatives of the Town attended and spoke at the public meeting held by Bucksport Mill on November 14. This public meeting also established a follow-on protocol for posting questions and answers online by November 24 to ensure that all parties to consultation have access to the answers provided in writing. While this public meeting and the follow-on process to share information is the consultation process described in 38 M.R.S. § 902(1) and (3), Bucksport Mill is encouraged to hear that the Town of Bucksport may have interest in pursuing more full-scale diligence on the Silver Lake Dam.

Your letter appears to read into the statute a requirement that a comprehensive consultation with the Town be completed within 60 days under 38 M.R.S. § 908. However, where Section 908 does not reference consultation, and the consultation requirement elsewhere described in the statute (Section 902) is a minimum of 180 days, Bucksport Mill’s process expectations are that the Town legislative body will use its public meeting to determine whether or not to pursue diligence towards a possible change in ownership.

Bucksport Mill’s proposed protocol for diligence on the Silver Lake Dam is set forth below, as well as reference to various resources to access information that has already been made available through the Petition or is otherwise publicly available. Please note that the answers to questions posed at the public meeting will be posted online by November 24, as expressed at the November 14 public meeting.

Proposed protocol for diligence

As with any transaction, the two hallmarks of diligence are a formal expression of interest, and an enforceable agreement regarding the confidentiality of certain information. Therefore, to proceed with the level of diligence contemplated in your letter, Bucksport Mill will require evidence that the municipal legislative body has considered the issue of dam ownership at a public meeting as required in 38 M.R.S. § 908, and that the outcome of that meeting is a decision to engage in good faith diligence to fully evaluate the potential of owning the Silver Lake Dam. It is Bucksport Mill's expectation that such an initial determination be made on the basis of the Petition and available information, rather than as a final determination based on completed diligence.

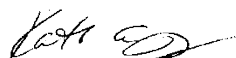
Once evidence of this initial determination is received, Bucksport Mill would expect to discuss effective mechanisms by which to keep appropriate information confidential when the counterparty to diligence is a municipal entity. Once such mechanisms are in place, Bucksport Mill will provide available information for review and consideration.

Initial responses to November 6 requests

1. Title information: please note that, in addition to being public information, this was also provided as a supplemental filing to the Petition, in addition to a detailed title memorandum. Assuming that the Town is designated as an interested entity with DEP, that information should already have been provided to you, or will be shortly on the website provided by DEP. Bucksport Mill will address requests for title insurance and asset inventories in the context of good faith diligence and to the extent appropriate in the context of negotiation.
2. Composition of pipe and coating: Currently unknown.
3. Emergency Action Plan: Bucksport Mill believes that the Town of Bucksport was a participant in the EAP process and should already have this. Please advise if the Town of Bucksport does not already have this in its possession.
- 4-13. Detailed engineering and financial documentation: A fair amount of engineering and inspection information was shared in the Petition. Bucksport Mill will consider requests for additional information in the context of diligence authorized by the municipal legislative body.
14. All permits and enforcement information are a matter of public record.

We look forward to the potential of working with you and the Town to explore best options for the disposition of the Silver Lake Dam.

Sincerely,



Katherine Joyce