

## Frequently asked Questions about Watershed Legislation.

### **Why is the dam changing ownership now?**

The dam was built 100 years ago so that the water in Toddy Pond could provide backup supply for the paper making industry. Verso sold the dam to AIM in 2014 along with the dams for Alamoosok lake and Silver lake. AIM is a demolition company and as they have finished taking apart the mill they are looking to rid themselves of the dams.

### **Other dams in Maine have been turned over to towns, why is this different?**

In 1996 the Maine legislation passed a Statute that provided for the divestiture of dams. This statute has NEVER been used until now. Other dams in Maine have been passed on under more cooperative circumstances. The process Toddy is undergoing will set a precedent for the future.

### **What does the Statue require?**

After AIM's petition to abandon the dam was accepted by the DEP there were townwide meetings to inform the public of the process. AIM had to notify all the waterfront property owners by mail. The initial phase allows towns, lake associations or any interested parties to consult with AIM to determine if they want to take over the dam. If no one can be found to take the dam, then the petition moves to 3 state agencies to consider if they will take over the dam; Inland Fish and Wildlife, Dept of Agriculture, Forestry and Conservation and finally it goes to MEMA. If the three state agencies do not take the dam then DEP can order the dewatering of the dam. We are in that initial period where the towns are consulting.

### **Why not let the State evaluate the petition now?**

The towns have to go first according to the Statute. It only goes to the state if the towns or some other group does not take it.

### **The dam is in Orland, why can't they take it?**

So is the dam for Alamoosook and the Orland River dam. It was considered a huge burden for one small town to take over both dams, especially since half the residents on Toddy live in other towns. This was the reason the towns came together to cooperate to find a solution that includes all 4 towns.

### **What is the Toddy Pond Watershed District?**

It is a quasi-municipal entity created by the legislature that grants the entity many of the advantages of being a town. It is protected from liability, it can raise funds and it can apply for grants and funding like a town. It will be governed by a board of town and waterfront owners. The Watershed District will ask the voters to pay for 50% of the

operating costs of the dam for one year minimum with the waterfront owners making up the balance.

**Will we have a say?**

The legislature has been approved. The 4 towns will hold a vote by town residents. Each town has to vote to adopt the district. DEP granted the towns a 180 day extension to accommodate this process, this period ends in October 2025, but the state will let the vote occur in early November to coincide with the regular fall vote.

**I already pay higher taxes because I live on the lake, why do I have to pay more?**

There is one standard mill rate in each of the four towns (each town sets its own mill rate). In general the waterfront owners pay more as the value of their property is higher because it's on a lake. While TPA agrees that Toddy Pond is a public resource, enjoyed by many other people besides the owners, there are a significant number of people in the 4 towns who feel the lakefront owners enjoy the lake to a higher degree and therefore don't feel the entire town should assume the cost of ownership of the dams. This admittedly imperfect compromise splits the cost of owning and maintaining the dams between the towns and the lakefront property owners for at least the first two years.

**The State can take it over.**

Maybe, but doubtful. Inland Fish and Wildlife has indicated that they are in no financial position to assume ownership of the lake. MEMA is a tiny department and owns no dams. DACF owns the boat ramp. They do own a few dams. They have not indicated how they might rule. The State has a budget shortfall this year and has indicated that acquiring dams is low priority. Waiting for the state to consider ownership means rolling the dice.

**What happens if the towns don't approve the district?**

The petition then advances to the state agencies. The district can be formed if only one town votes to join. This would result in the lakefront owners shouldering all the costs if their town did not vote to join.

**The State will never let Toddy be drained**

If the three agencies pass, it goes back to the DEP. The way the statute is written it is not the DEP's decision to dewater the lakes. The statute as written states the lake gets dewatered. It is uncertain if a last ditch appeal would be entertained. The only provision for this requires AIM's PERMISSION to consider it.

**What was TPA's role in writing this proposal?**

TPA recognized it did not have the financial depth to assume ownership. TPA worked to get the towns together as we felt this was the best chance to ensure the preservation of Toddy Pond, rather than leaving things to chance. The 4 town committee wrote the legislature. TPA representatives have been present from the beginning pushing the interests of the lakefront owners and we were successful in getting owner representation on the governing board. Would we have liked the towns to commit to a longer period or even a permanent shared ownership? Absolutely! But ultimately the draft had to be written by elected officials to create a legal entity that was acceptable to the Select Board in each town and would most likely be approved by the voters in those towns. The legislation has now passed and awaits voting this fall. The 4 town committee has completed its formal duties, but the work continues. The Selectboard members from the 4 towns plus representatives from Alamoosook Lake Association and Toddy Pond Association have formed the Naramissic Watershed Coalition to inform the public about the upcoming fall vote.

**What happens if any/all of the towns decide to not share the cost of owning the dams after the first year?**

If the legislation passes and is approved by the voters in each town, the Alamoosook Lake Water District and the Toddy Pond Water District will be formed. Governance and costs will be shared between the 4 towns and the lakefront property owners. If after the initial year any town opts out, the assessment for that town will be shifted to the lakefront property owners in that town. The rationale was that those owners would vigorously advocate for their municipality to continue to fund the Water District(s). If all of the towns decide to not continue funding the district, the district would then consist of the lakefront property owners with one municipal representative from Orland. This would allow the District to continue as a quasi-municipal entity with the ability to raise money and have liability protection like any other town. Although this sounds frightening, it means that the lakefront property owners would have the final say in any budgets, projects or decisions around the dam and Toddy Pond.

**How much is this going to cost me?**

The information AIM/Bucksport Mill gave the 4 towns was incomplete and difficult to interpret. The 4 towns have contracted with GEI Engineering to inspect the dam, study the engineering reports from AIM to assess the approximate costs to 1) perform yearly routine maintenance, 2) determine the costs of administering the watershed district and 3) estimate the costs for urgent repairs to ensure safety of the dam. TPA has developed an estimator tool that allows you to plug in your town, value of your assessed land and town's mil rate along with the estimated annual watershed budget (to be determined) and it will tell you how much your taxes will increase. There is also a feature to decrease the value of your land by 20%, 30% (depending on if you lose waterfront if the lake is dewatered). We have plugged in various values and what we found is that non lakefront

owners have a roughly \$20-40 increase in their taxes (varies by town, Orland is the highest because of Alamoosook Lake). Lakefront owners' taxes increase around \$100-\$120. However if the lake is dewatered, lakefront property values decrease and the resulting loss of revenue for the town is spread out among ALL residents and non lakefront owners then owe MORE in taxes. We plan to unveil the estimator in workshops in all four towns when we have solid numbers from the GEI Engineering report.