

Alamoosook Lake Association (ALA)

Frequently Asked Questions (FAQs)

Updated 2024-04-04

Q: What has prompted the urgency regarding the Dam?

A: AIM gave notice around January 2024 to Toddy Pond and others that they will be looking to sell or 'give away' the dams they own in the Orland-Narramissic Watershed (including both Toddy and Alamoosook dams) as they no longer want them in their inventory of assets. They have communicated they want ownership transferred quickly and have targeted the end of 2024 as a target timeframe.

Q: Who would be potential new owners of a dam?

A: There would only be a few groups interested in owning a dam. Current dam owners in Maine include the State of Maine, Regional/Local Municipalities, Special Interest Groups, Private Owners, Special Taxing Districts, etc. However, there are very few potential owners interested in taking possession of dams that are of no benefit to their organization or constituents, hence there is very little demand for acquiring the dams in our watershed.

Q: Who would be potential new owners of the Alamoosook Lake Dam?

A: Potential owners of the Alamoosook Dam mentioned in recent conversations may include the State of Maine, the Town of Orland, a yet-to-be-created special taxing district created by municipalities in the watershed (including entities from the Narramissic-Orland Watershed (NOW) Coalition, the Downeast Salmon Federation (DSF) (a special interest group focused on restoring natural fish migration in rivers and streams), and potentially a private or quasigovernmental yet-to-be created Limited Liability Corporation (LLC) comprised of interested parties (that could possibly include ALA under the proper circumstances). None of these discussions have advanced forward much at this time as far as we know, there is still much to understand about the condition of the dams and the details/terms of a transfer of ownership.

Q: Is ALA considering taking ownership of the dam(s)?

A: No. Discussions within the ALA Board of Directors and with the general membership have been clear, ALA has no desire or intension of taking ownership of the dam(s) as an association, and for many reasons it is not feasible or realistic. We do however feel it is in our association's best interest to help facilitate the transfer of ownership to an entity that has goals and objectives for the dams that are consistent with our own, hence the need to keep closely involved with the process as it moves forward.

Q: Is there a possibility that the Alamoosook Dam would be removed?

A: The likelihood of this happening is very small. Some interest groups would like to see certain dams in the state just go away, and the streams and surrounding land go back to its "natural" state. If that occurred here at Alamoosook Lake, our lake would essentially be drained, resulting in a small river/stream meandering through the old lakebed. However, we have heard no mention of any entity interested in removing the Alamoosook or Toddy dams, and strong opposition would likely block that from ever occurring.

Q: Does the ALA Board of Directors intend to work the Narramissic-Orland Watershed (NOW) Stewardship Coalition to address important issue in the watershed?

A: Yes. ALA has great interest in working with all affected and interested stakeholders affected by these critical watershed issues. The ALA board feels it is important to engage with all parties to ensure that a comprehensive approach to preserving the health and welfare of the watershed. We have initiated conversations with the NOW Coalition and ALA representatives routinely attending the weekly coalition meetings to engage and address the critical watershed issues. These issues include the infrastructure (dams, spillways, fish ladders), water quality, lake/water levels, fish migration, wildlife habitat, property values, public safety, resiliency to climate change, and many more critical issues.

Q: What other stakeholder groups and individuals involved is the ALA coordinating with?

A: ALA has initiated conversations with several entities interested in addressing our collective watershed issues. Other meetings are on-going with the following groups: Toddy Pond Association, Town of Orland, Town of Bucksport, Downeast Salmon Federation, the State of Maine, and others. We also desire to connect with the Town of Penobscot, Town of Blue Hill, Town of Surrey, Hancock County Soil and Water Conservation District, and others. All with a goal of working together to preserve the watershed and Alamoosook Lake for generations to come.

Q: Is it correct to assume that the ALA Board's mission is to look at all possibilities to find the best resolution for dam ownership and maintenance?

A: This is correct. ALA membership has consistent voiced concerns regarding the long-term preservation of the dams that regulate our lake levels and the vitality of the surrounding environment. Therefore, the Board is entirely open to participating in the search for a responsible dam owner that have values consistent with ours. This is driving the desire to get actively involved with the ownership transition process. All options are open at this time.

Q: What is an NDA?

A: A non-disclosure agreement (NDA) is a contract that creates a confidential relationship between persons or party's when the parties or persons want to share sensitive information. Parties to an NDA agree not to disclose confidential information that they have shared with one another during the course of doing business with one another. NDAs are very common in the world of business and employment.

Q: Why would the ALA Board/Dam Committee want to sign an NDA?

A: The ALA Board and Dam Committee have determined that to move forward with meaningful discussions regarding the future of the dam the committee must obtain additional information from AIM (current owner) about the dam(s). This information may include: (1) the condition of the dam(s); (2) preventative maintenance done or due on the dam(s); (3) the historical cost of repairs or preventative maintenance; and (4) any significant issues/potential issues with the dam(s). The purpose of the NDA is to allow AIM to share this necessary information with those individuals on the Dam Committee who sign the NDA with assurances that the information will not be used against the current owner to enhance a potential buyers position.

Q: What are the benefits of signing an NDA?

A: Signing the NDA would enable the Board/Dam Committee to obtain the information necessary to make presentations and recommendations to the ALA membership regarding the options available for dam ownership transition, including the pros and cons of each such option. Without this information, making informed decisions and recommendations will be impossible, leaving decisions regarding the future of the dam(s) to others outside of the ALA.

Q: What is the risk to the members of the association if the Dam Committee members sign the NDA? What risk would they have individually?

A: An NDA is a legally binding contract and if it is broken the consequences are listed out in the NDA agreement. In this case should a member of the dam committee disclose any confidential information received as a result of the NDA (and isn't already public) they will be in breach of the agreement. The likely consequence of this breach will be that AIM will stop sharing all information with the dam committee and demand that any information shared be destroyed or returned. Any additional consequence would depend on the extent of the breach of confidentiality.

Q: What is the urgency of signing the NDA?

A: While there is no 'deadline' for signing the NDA, it has been almost 3 months since AIM said they were looking for potential buyers, and if we want to be as proactive in learning information that could be helpful in finding a potential owner, then we would feel it important to sign now and not let more time and opportunities to influence the process go by. There is no harm in signing now, it can only help us achieve our goals.

Q: Are the Dam Committee members who sign the NDA going to formulate the decisions about ALA's position on how to proceed with the dam(s)?

A: The Dam Committee members who sign the NDA will not be the ones who formulate decisions about the dam(s). The Dam Committee will review all available information, provide summations of that information as appropriate, offer insights on options available, outline pros and cons of specific actions, and present recommendations to the board for consideration. The Board will present the information to the ALA membership for feedback, input, and comments. Any Board actions taken would only occur after careful consideration of all input received from the membership. The intent of the Dam Committee and the Board are to be transparent as possible throughout the process, keeping the best interests of the membership as the highest priority.

Q: Are there any additional consequence that could result if there is a breach of confidentiality covered by the NDA?

A: This is difficult to answer without real fact patterns, however, should a dam committee member take the confidential information and share it with a competitor of AIM and AIM could prove monetary damages as a result of this breach, AIM could seek monetary damages as a result. With the type of information being shared, it is very unlikely that any breach would result in significant penalty; however, any breach, no matter how small, could result in AIM terminating the NDA and requesting all information shared be returned or destroyed.

Q: Does the Committee have a timetable for making recommendations about the dam's ownership and what is it based on?

A: The timetable is largely dependent on the maintenance/condition of the dam(s). We will have access to additional critical information after signing the NDA and will have a better idea of the short-term and long-term requirements of dam ownership. This will give us a better understanding of the time frames associated with dam ownership transition.

Q: Has the Dam Committee developed any specific guidelines for doing its work? If so, will these be shared with the membership?

A: Yes, the Dam Committee is organized into three different subcommittees, each with specific goals and objectives.

- **Alternative Funding:** Bonds, grants, and alternate funding sources. Goal is to explore alternative options or uses of funds to support finding a suitable long-term owner for the dam(s).
- **Operations and Legal:** AIM, Engineering, Legal support. Responsible for technical documents, legal compliance, and communication with AIM.
- **Watershed Community:** Toddy Pond, ALA Membership, Watershed Coalition. Focus on community relations and responsible for disseminating appropriate information to our valued partners.

Q: If a Non-Disclosure Agreement (NDA) with AIM were in place, how would the Dam Committee share important information with the ALA membership and others as recommendations are developed?

A: The Dam Committee cannot share specific information received under the NDA, however it can provide a high-level overview and make recommendations to the membership based on key findings. The Dam Committee will look to provide the membership with as much information as possible within the confines of confidentiality requirements defined within the NDA.

Q: What is happening with the Narramissic-Orland Watershed Stewardship Coalition?

A: ALA volunteers/members are attending NOW Coalition meetings and reporting back to the ALA board, the objective is to participate in the development of coalition's mission and strategies, which currently include the following:

- Ensure water levels in Toddy Pond, Alamoosook Lake, Philips Lake and the Narramissic River to promote optimal habitat preservation, recreation (including boating and fishing), and waterfront property values.
- Contribute to storm preparedness, floodplain control and resilience in the face of extreme weather events.
- Improve and maintain water quality to ensure a healthy ecosystem.
- Enhance migratory fish passage throughout the watershed for migratory species while maintaining balance with native inland fish.
- Promote coordination of programs such as courtesy boat inspections, invasive plant patrolling and water quality monitoring.

Q: Does the nonprofit status of the ALA affect recommendations?

A: There is nothing in the process of our reviewing options or making recommendations that would affect our association's nonprofit status.

Q: What decisions (including final ones) will be made by membership vote?

A: The ALA board is committed to ensuring that all major decisions impacting the ALA be brought to a vote of the entire membership consistent with our bylaws as appropriate.

Q: Do we need a Maine Lawyer who specializes in dam and water rights to be involved or consulted?

A: It is still too early to determine if legal representation is required. We have contacted different legal firms and briefed them on our situation to get initial intel on potential legal firms/ individuals. We will engage legal counsel if and when needed based on the nature of the on-going activities.

Q: How does the ALA Board intend to involve and engage non-ALA members that own property on or adjacent to Alamoosook Lake?

A: The ALA Membership Committee has many membership outreach initiatives planned for the upcoming months. We intend to update our website, improve our email mailing list, identify persons that may benefit from membership with ALA. Among other outreach techniques. The committee is planning to collect current tax map data to determine non-member landowners on/near the lake to provide information regarding the important work we are involved with, encourage them to join ALA, and ask if they are willing to get involved.

Q: Should we have someone who lives local full time on the Dam Committee?

A: The ALA board feel it is critical to have a diverse committee with varied backgrounds and experiences. The Dam Committee currently has local representation and values those relationships and insights. We also live in a virtual world and have successfully conducted regular meetings with Toddy, DSF, the state, and the township through video and conference calls.

Q: Can we update the ALA Bylaws?

A: Yes, the ALA membership has the right to amend the bylaws at any time it deems necessary to adjust our operations to better align with the desires and expectations of the members. The last time bylaws were updated was in 2016. The ALA has recently created a Bylaws Committee to review the current bylaws and recommend any potential changes. They will be starting this review with a plan to present any recommended changes at our June meeting. If you are interested in volunteering for this committee, please contact a member of the board.