



Friends of Merrymeeting Bay

Friends of Merrymeeting Bay (FOMB) mission is to preserve, protect and improve the unique ecosystems of the Bay through:

Education

Conservation & Stewardship

Research & Advocacy

Member Events

FOMB is 501(c)(3) non-profit organization and support comes from members' tax-deductible donations and gifts.

Merrymeeting News is published by FOMB seasonally and is sent to FOMB members and other friends of the Bay.

For more information contact:

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COME ENJOY THE SUMMER OUTSIDE! 2011

Each year, FOMB organizes a series of outside events designed to get you exploring the Merrymeeting Bay area and learning about the Bay's past, present and future. This year's program kicked off on June 4 with our annual Bay clean up (*See Story on Page 5*). All programs are FREE, unless noted. PRE-REGISTRATION IS REQUIRED. To register for a program contact each individual trip leader. For more information, contact Jim Mason at (207) 619-1945 or jmason@fomb.org or go to our website.

- June 25** **Paddle Palmer Pond:** Paddle and explore the secret still waters of the FOMB-owned pond in Dresden. *Dresden, 10:00 am – 12:00 pm, Ed Friedman, 666-3372. (*)*
- July 16** **Exploring Swan Island:** Come walk Swan Island as we learn its role in native and colonial history. \$8 access fee person. *Richmond, 10:00 am – 12:00 pm, Jay Robbins, 737-2239.*
- July 23** **Paddle Bowdoinham to Merrymeeting Bay:** Paddle down the Cathance River out into Merrymeeting Bay. Leg 4 of the Cathance River Kayak Series with AMC and other organizations. *Bowdoinham, TBA, Michelle Moody, 319-7355. (*)*
- August 10** **Walking History's Footsteps:** Observe a professional archaeological dig and take a guided walk on Thwings Point. *Woolwich, 1:00 – 3:00 pm, Ed Friedman, 666-3372.*
- August 21** **Exploring the Houdlette Conservation Project:** Combine an ecological and archaeological tour of FOMB's most recent protected property with Andy Cutko, Maine Natural Areas Program, and Art Spiess, Maine Historic Preservation Commission. *Dresden, 12:00-2:00 pm., Andy Cutko, 666-3162.*
- September 10** **Nature in the Garden:** Learn how to bring wildflowers and the natural world into your garden. *Bowdoinham, 4:00-6:00 pm, Andrew Fiori, 666-8419.*

(*) PADDLERS PLEASE NOTE: Participants must bring own boat and possess at least intermediate paddling skills. PFDs required. July 23 paddle will require intermediate level paddling skill and pre-approval of Program Leader due to open water. Participants attend at their own risk.

HELP WANTED!

Exciting opportunities to volunteer for FOMB's Hands Around the Bay classroom program. More details on Page 4!

PROPOSED KENNEBEC SUMMER DREDGING SHOULD BE DEEP-SIXED

Over the last 25 years, in a series of decisions in 1989, 1997, 2000, and 2002, every state and federal permit to dredge the federal navigation channel in the lower Kennebec River and Estuary has prohibited any dredge work in summer to minimize environmental impacts, particularly to endangered shortnose sturgeon. The last permit, a 10-year license issued by the state in 2002 which is still in effect, expressly prohibits hydraulic dredging between April and November and mechanical dredging between May and October.

And yet this spring, DEP issued new permits authorizing the Corps to conduct a full scale hydraulic dredging of the Kennebec for three to five weeks this August. Worse, in order to authorize the project, the Governor and his new “business friendly” administration proposed and won passage of a bill in the Legislature to lower state water quality standards on the Kennebec, which is a prerequisite to August dredging.

As it turns out, that measure is not so business friendly. In summer the lower Kennebec River is teeming with migratory fish; business on the river is booming, including lobstering, clamming, and guided fishing; endangered fish are in the river; and Popham Beach State Park and local restaurants, inns, and campgrounds are packed with vacationers.

Summer dredging would severely hurt many of these existing businesses. Disposal of dredge spoils is planned for dead center in some of the most heavily fished lobster grounds off Popham beach. Sediment from the other dump location, in the Kennebec Narrows, will likely drift down and cover the clam flats – and, if bacteria levels rise as is normal, the clam flats could be closed to protect public health. Turbidity from 24x7 dumping will drive away the stripers and fishing guides alike; meanwhile the powerful hydraulic dredges will likely entrain bottom dwelling fish, such as endangered sturgeon.

The problem is not just the timing – it is also the scale of the proposed project. Last year the Navy requested the Corps

dredge the channel to enable passage of the newly built U.S.S. Spruance for sea trials in February and final delivery in September. The Corps, however, did not dredge during its open permit window last winter. The Spruance safely transited the river this spring for sea trials, but there are still concerns about the September delivery. Thus, the Corps is seeking a special permit to dredge the river in August.

Unfortunately, the Corps is not simply seeking to conduct minimal mechanical dredging at the single reach of river where shoals present a small potential barrier to the Spruance. Instead, the Corps is seeking permits for full scale hydraulic dredging – plus over-dredging by an extra two to five feet – of over 37 acres of river bottom at two locations, and to dump dredge spoils in-river (50,000 cubic yards in Fiddlers Reach where they wash back upstream to the Doubling Pt. dredge site and downstream to wetlands and shellfish habitat) and near-shore (20,000 cubic yards off Jackknife Ledge just offshore Popham Beach and the Morse River where they silt out lobster and clam habitat and may exacerbate Popham erosion).



The U.S.S. Spruance seen leaving the mouth of the Kennebec River at Fort Popham on Feb. 18, 2011

Even the Corps’ staff has acknowledged impacts of dredging in August are severe: project manager Bill Kavanaugh wrote to the Maine DEP and DMR on April 5, 2011, “we’re all in

agreement that August isn’t the best month for dredging – in fact it probably can’t get any worse relative to the Kennebec.”

Nonetheless, the Corps is pressing forward with a full scale summer project. Despite the lack of an environmental assessment or a biological opinion and incidental take statement for shortnose sturgeon and Atlantic salmon (or Atlantic sturgeon, which is proposed for listing), the Corps has already completed and closed its public comment period, issued its “Construction Solicitation and Specifications” (#W912WJ-11-B-0002), and obtained a 401 water quality certification and wetlands permit from the state.

FOMB, the Town of Phippsburg, the Phippsburg Shellfish Commission, two other land trusts and a number of fish-

Continued from page 2

ermen, clambers, boaters, fishing guides, landowners and recreationists have appealed the permit to the Maine Board of Environmental Protection, and have submitted a letter to the Corps regarding violations of the National Environmental Policy Act (NEPA) and Clean Water Act (CWA) section 404 (b)(1) guidelines. Appellants believe the action as proposed will violate both state and federal laws. Specific problems include:

- Failure to consider less environmentally damaging practicable alternatives (including minimum dredging; upland/offshore disposal; and mechanical dredging);
- Violation of Maine Class SA and Class SB water quality standards from disposal of 70,000 cubic yards of dredge spoils in-river and near-shore;
- Harassment, injury and death of endangered sturgeon and salmon; and
- Failure to analyze and disclose reasonably foreseeable and locally intensive economic impacts to area lobstermen, shellfish harvesters, fishing guides, boaters, and tourism and recreation businesses.

Appellants believe these impacts are wholly unnecessary and can be avoided. To the extent summertime dredging proves necessary at all (the Spruance can actually bypass the shoals using deeper water just east of the marked channel), an emergency minimal dredge using mechanical clamshell buckets or a bottom drag would be sufficient to clear a safe path for delivery of the ship and yet avoid the severe consequences that a full scale summer dredge would cause to the river, endangered and commercial fish species, and the many local businesses that depend upon clean water. Reduced spoils (if any) could then be affordably disposed of upland or in the existing ocean dump site off Portland.

If DEP was truly friendly to all Maine businesses, it should have required the Corps to use one of the less damaging alternatives, even if it costs more. There is no need to sacrifice Maine jobs to save what is pocket change for this very large federal agency.

As Dean Doyle, Jr., chair of Phippsburg Shellfish Conservation Commission and a licensed shellfish harvester for 16 years, said in testimony to the Legislature this spring, "My father works for the Yard. BIW put shoes on my feet and put food on the table when I was growing up. But I need to be able to work, too...I want a solution that works for everyone."

Commenters understand and support the need to keep the Kennebec River open to allow transit of deep draft ships to Bath Iron Works. But, consistent with federal law and com-

mon sense, we request dredging be done in a manner and during the season of year that produces the lowest possible impact to the other users and resources on the Kennebec.

The Corps has responded by claiming that full scale dredging – including overdredging – is an emergency and that our appeals threaten national security. In playing the "National Security" card to support over-dredging, which is clearly not needed to get the ship out, the Army Corps trivializes real security issues that concern many of us. Crying wolf makes us less secure and does nothing but hurt the Corp's credibility.

The mid-coast region depends upon both ship-building and fishing/tourism. We need a solution that will keep each of these sectors of our economy strong and healthy. Locally performed mechanical dredging will cost less, have less adverse economic and environmental impacts, will take less time and support Maine business.

-- Steve Hinchman represents the Town of Phippsburg, the Phippsburg Shellfish Conservation Commission, the Phippsburg Land Trust, the Kennebec Estuary Land Trust, Friends of Merrymeeting Bay and a number of individuals in the recently filed appeals challenging DEP's dredging permit.

(All documents related to the case can be found in the Cybrary/Legal section of our website)

CONDOLENCES

A true friend of Merrymeeting Bay was lost this spring with the passing of Donald Ernest Lipfert on April 20, 2011. Don loved the land and the water, and spent much time mowing fields, getting in firewood, hiking and snowshoeing, camping, canoeing and boating, and tending his huge garden. He was skilled at wood carving, oil painting, and furniture building. His social concerns led him to found the Bridge Coffeehouse in the 1960's, the Jacataqua School in the 1970's and be part of the creation of Maine Organic Farmers and Gardeners Association and the annual Common Ground Fair. His selfless concern for the future resulted in his donating a conservation easement for his former land to the FOMB and establishing it as town open space.

Don will be missed and our condolences go out to his wife, Joan Lipfert and their children, grandchildren and great-grandchildren.

(A full obituary can be seen on our website.)

EDUCATION

Hooray for Bay Day!

Once again, fourth graders from around the Bay descended upon Chop Point School in Woolwich to take part in FOMB's annual Spring Bay Day. This year, classes from six schools took part in our day of hands-on activities: Bowdoin Central, Bowdoinham Community, Woolwich, Harpswell Islands, Phippsburg and our hosts, Chop Point. In all, 133 students, our highest number since 2008, took part in 13 different lessons, led by gracious volunteers, including:

Geology Walks (Peter Goodwin, Tom Weddle), Archaeology (Jay Robbins/Cyndie Lamoreau), Bird Walk (George Sergeant), Macroinvertebrates (Jessica Balukas), Tree Walk (Leslie Anderson), I Am Coyote (Geri Vistein), Watershed Modeling (Kent Cooper/Steve Eagles), Ecology Walk (Betsy Steen), Beach Seining (Jason Bartlett), Non-Point Source Pollution (Geoffrey Ng), Merrymeeting Bay Natives & Dwellings (Steve Musica) and Fish Printing (Kathleen McGee /Shannon Dougherty/Sherry Mason)

Bay Day also wouldn't be possible without our good spirited chaperones, who help get groups from one station to the next, and who lend a hand and a watchful eye where needed. Thanks goes to Tina Goodman, Diane Richmond, Bill Heaphy, Ed Benedikt, Dana Cary, Carla Resenbrink, Fritz Kempner, David Whittlesey, David Barber, Carol Dyer, Carole Sargeant, Christopher Riley, Kathie Duncan, Tom Walling and Ed Friedman. Many thanks to our hosts at Chop Pt. School and to Wild Oats for helping feed our volunteers!

CALLING ALL VOLUNTEERS!

The Education program is in need of volunteers to go into the classroom as part of our Hands Around the Bay program. With only a dedicated few participating, we need your help now and so do the kids! Have questions? We have some answers!

Who? We are looking for volunteers who enjoy kids and nature and who will commit to doing at least two school visits a year - that's one per academic semester. Typically, grades range from K to 6th grade.

What? Topics can range from Merrymeeting Bay critters, marine mammals, habitats, geology, adaptations, etc.

When? Visits are generally around 50-60 minutes long. Including travel, commitment is around 2-3 hours per visit.

Where? Each elementary school around Merrymeeting Bay

Why? Early education is the best way to reach students while they are young to encourage appreciation of the Bay and because you will have as much fun as the kids!

Don't worry if you don't feel like you have the knowledge. We have guides to most topics and critters to help you; and after training with and shadowing our experienced volunteers as they give presentations, you will be ready! Please contact Jim (619-1945 or jmason@fomb.org) or sign up now.

**HELP
WANTED!**

RESEARCH & ADVOCACY

Dam Owners and Governor Torpedo Androscoggin Upgrade

Putting (probably unneeded) pressure on the legislative committee for Energy and Natural Resources; the DEP, Ken Fletcher (energy czar for the Governor), Worumbo dam owner Mark Issacson and hydropower lobbyists all put the squeeze on legislators to make sure the Androscoggin stays down and dirty. Committee chair Tom Saviello was not amenable to a straight upgrade from Class C to Class B as was supported by our years of data and by towns along the river. Instead, he suggested a possible compromise wherein a special classification (C+) might be created with a dissolved oxygen floor based on our lowest actual reading (once) of 6.5mg/l. The Class C minimum is 5mg/l; Class B is 7mg/l.

After discussions with other groups and much deliberation by our R&A and Steering Committees regarding this possible change from a goal-based standard on which state

and federal clean water laws are based, we decided to support this 6.5 standard since it was based on actual data and would be a step up. *E. coli* standards and aquatic life standards, the other two numeric parameters, easily met Class B. The process then rapidly devolved with DEP and in a meeting with Sen. Goodall, Ken Fletcher and the hydro-industry where they all wanted the classification standards to go lower. Who knew the Androscoggin River was too clean?

In our three years of pushing for an Androscoggin upgrade the hydropower industry has been silent. Now, following our Endangered Species Act lawsuits against dam owners for illegally killing endangered Atlantic salmon, dam owners showed their true colors by pushing back on water quality. And the legislators caved in. It becomes more obvious every day, hydro power, at least as and by whom currently practiced, is certainly not green power! With the Committee Chair unwilling to put out a divided report and FOMB not wanting to see the classification system further devolve, we asked Sen. Goodall to kill the upgrade bill.

CONSERVATION & STEWARDSHIP

Houdlette Conservation Project Enters Phase 2

Within just a few days of our March real estate closing on this incredible archaeological and ecological site in Dresden, FOMB borrowed \$170,000 to protect the northerly portion of the Houdlette Conservation Project property. We have only a short time to raise all the funds to repay our bridge buyer for his interest-free loan. Phase 2 encompasses more shoreline and the beautiful breezy hilltop field that remained open



to development had not FOMB exercised our purchase option on the property.

On Sunday afternoon, August 21, we invite you to join us on a special guided archeological and ecological tour of the property we have worked so hard to protect. Look soon to your mailboxes for a specific fundraising appeal regarding this purchase. Rarely do we as individuals have a real opportunity to make such difference protecting a resource this significant. Please dig deep!

MEMBERSHIP

Members Pitch in to Clean Up the Bay

As we have since 1993, FOMB again participated in "National River Cleanup." We have typically worked at one or two sites around the Bay, and this year was no different. We once again returned to the Merrymeeting Bay Wildlife Sanctuary at Abbagadasset Point in Bowdoinham. This year, in returning to clean the City of Bath's Butler Cove Preserve, we called on Kennebec Estuary Land Trust to lend us a hand.

The good news: trash appeared to be lighter this year, especially at the Butler Cove site. FOMB Water Quality Monitoring Coordinator Kermit Smyth, who has been coming to Butler Cove for many years, remarked that Styrofoam particularly was in much less abundance than in years past.

What trash is out in the Bay? Here's a sampling of just some of what was found on Abbagadasset Point:

3 tires, 2 broken fishing rods, 1 foam dock billet about 5' long, 1 large half-ring of ceramic well tile, 1 Blue 55 gal drum, 1 80gal. black iron water heater with foam wrap, 3 full bags mixed recyclables, 2 bags "mixed trash" (including lighters, flip-flops, balls, plastic film, shotgun shell casings, rope, etc.)

How does that compare with what was picked up in Butler Cove? Wood was the consistent find over in Bath, as our

team of intrepid trash collectors found:

40-50 lbs. of pressure treated wood (including a full pallet and a sailboat rudder), 1/2 5 gallon bucket of broken bricks, , 10 lbs. of scrap metal, 2 contractor bags of mixed trash (including clothes, toys, shoes, rugs, shell casings, rope, plastic sheeting, Styrofoam, etc.), a 5 gal. bucket of mixed recyclables, 1 whiffle ball bat



FOMB and KELT join forces to clean up the Bay

The award for the most interesting item must go to either the lower half of a gun-shaped cigarette lighter (from Bath) or a plastic Tyrannosaurus Rex (from Bowdoinham). We can only guess where those came from!

Now for the bad news: not only is there still a need for annual cleanups, we have less people coming out to help. Attendance at each of the sites was down from last year, despite the wonderful weather.

Please be sure to come out next year. The Bay needs your help!

Thanks go out to Helen Watts, Cynthia & Leon Harkleroad, Ed Friedman, Piers Bierne and Kermit Smyth, along with the KELT members who came to Butler Cove. Special thanks also goes to the Bowdoinham Recycling Center for taking the trash and recycling from Abbagadasset Point free of charge and for the Bath Sanitation Department for picking up and hauling away the Butler Cover trash.

Smart Meters? Think Twice!

As stewards of the environment, we often find ourselves in conflict with man-made technologies that outpace safety standards. “Smart” electric meters, the devices Central Maine Power (CMP) is currently installing are one such technology. There are a number of reasons why FOMB members (with families we love and wild creatures we care about) should be concerned with CMP’s smart meter program and seriously consider opting out. Probably the two biggest issues are adverse health effects and infringement on our constitutional (Fourth amendment) right to privacy.

CMP’s meters communicate by wireless radiofrequency non-ionizing radiation (man-made RF radiation). Many organisms including birds, fish, marine mammals, bees, ants and butterflies use naturally occurring electromagnetic fields (EMF) to guide their migrations, give them a sense of direction or find food. But these fields can be disrupted.

Recent studies on the effects of man-made radiation on plants and animals have been alarming. The unusual signaling characteristics and higher power intensities of radiofrequency (RF) radiation are very different than naturally occurring radiation. It’s well documented, for example, that RF radiation from cell phone towers can adversely affect wildlife. Studies show animals abandon areas where cell phone towers are installed. Cows have increased cancers and lower milk production, and birds have increased birth defects and failed nests.¹

Alarming, data increasingly show RF radiation from cell phones, smart meters and other wireless devices cause all sorts of adverse health effects in humans, including cancer.² In November 2010, the Karolinska Institute, the organization yearly selecting the Nobel peace prize winner in medicine, issued a warning against wireless technologies. They urged governments to halt wireless deployments pending further study.³ In May 2011, the conservative World Health Organization (WHO)/ International Agency for Research on Cancer (IARC) classified RF radiation as a “possible carcinogen”, placing it in the same category as DDT and gasoline exhaust.⁴ This is the same radiation CMP says is “safe” and will use to transfer your personal data all over Maine. There is mounting evidence suggesting RF radiation problems may be the next tobacco or asbestos, including second hand effects.

Over 2000 smart meter health complaints have been registered at California’s PUC so far. People are complaining about headaches, tinnitus, heart palpitations, insomnia, nausea and exhaustion.⁵ Dr. Martin Blank, a professor at Columbia who studies bioelectromagnetics is not surprised. When exposed to RF radiation, cells respond as if stressed, he says. These stress responses occur at all levels in our bodies, and any wireless device that uses RF radiation has the potential to create negative biological responses.⁶ *Indeed, considering our bodies are essentially masses of electrically charged*

*particles, it would be a surprise if we were **not** affected by RF.*

The smart meters deployed by CMP and many utilities all over the country are part of a new wireless technology known as an RF “mesh”, which is like a web. The mesh uses RF radiation to send data to and from people’s homes using antennae in the smart meters. The meters receive and transmit not only your electrical data, but as many as 15,000 other people’s data every day via the “best route” in the web. Thus RF radiation will be constantly transmitted to, from, and into homes all over Maine 24/7, spiking every few seconds at orders of magnitude higher than your phone. Cumulative effects of non-ionizing radiation are not regulated. FCC regulations are extremely outdated, covering only “thermal” effects of microwave radiation on large males.

As early as 1971, the Naval Medical Research Institute compiled over 2000 studies dating back to the 1930’s showing adverse biological effects from low-level non-ionizing (non-thermal) radiation.⁷ Friends, we just don’t want to know the truth (see no evil, etc.). Even the EPA has said FCC radiation limits do not protect the public from long term non-thermal radiation exposure and do not take into account vulnerable citizens with electrosensitivities or children whose developing brains are at risk.⁸

I’ve been pondering why so many well-intentioned conservationists have fallen in love with the huge tragedy known as the Smart Grid. The fully enabled grid will allow consumers to get their real time energy usage if they buy all new grid-enabled appliances (or right now you can purchase a watt meter for about \$20). Conservationists should ask where will we put all of our “dumb” appliances? Doesn’t an always-on new appliance use more energy? Why don’t smart meters allow for uploading home-generated solar or wind power to the grid and why won’t CMP pay for that energy right now through net metering? How much will all this really cost?

Only if consumer behavior is changed, will we save energy and reduce our CO2 output. So it’s really you who needs to be smart, not the grid. Unless utilities are able to turn our appliances on and off, a further privacy concern, they will not conserve energy except in miles driven by meter readers.

One thing is certain, with smart meters our homes will become loaded with RF radiation to and from our neighbor’s meters, and our own appliances, enabled or not. Constitutionally related privacy issues are huge including identity theft, determination of personal behavior patterns, determination of specific appliances used, real-time surveillance, information from residual data, targeted and or accidental home invasions and censorship. CMP (and their third party vendors) will know when we use our dryers, when we cook, turn on the TV or shower, whether we have a hot tub, and when we leave the house. In the old days, one needed proba-

Continued from page 6

ble cause and a search warrant to collect this information. This is not good news for conservation or privacy; and certainly not smart.

While smart grids may sound green, it's the wireless industry and utilities benefiting, not the environment or consumers. Connecticut's Attorney General George Jepson rallied against the costs of his state's smart grid after a pilot project showed no energy savings at all and a cost to ratepayers of at least \$500 million. If the PUC went ahead, he cautioned the deployment be "surgical" and only provide installations to those customers requesting and able to pay for them.⁹ Similar results have been reported all over the country.¹⁰

CMP has joined an industry denying mounting evidence RF radiation damages DNA strands (insurers are starting to refuse cell phone companies liability coverage for health problems from non-ionizing radiation¹¹). The PUC has ordered CMP to advise those of you not already switched to smart meters, of their benefits only. The Commission has also ordered customers pay CMP initially and monthly, to avoid the risk of harmful health effects and or if you wish to preserve your Fourth amendment privacy rights. This fits the classic definition of extortion. Payments for opting out and keeping or switching back to your analog meter are not to go into effect until October. If you want to avoid possible health risks and privacy violations associated with smart meters you can call CMP and opt out. There are continuing challenges to the PUC decision and with your help, the landscape may still change during the year. Please visit Maine's Smart Meter Safety Coalition website at www.smartmetersafety.com for more information. You can be quiet, or you can assert your rights for a no-cost Opt Out.

Suzanne A. Foley-Ferguson, owner of Beal's Ice Cream in Portland has recently been a complainant before the PUC on the issue of smart meters. She has worked on environmental issues for over 25 years, served as a Scarborough Town Councilor for six years and currently chairs the Parks and Conservation Land Board in Scarborough.

1. Manville, Albert, M. Senior Wildlife Biologist, USFWS, Congressional Staff Briefing on the Environmental and Human Health Effects of Radiofrequency [RF] Radiation 2007.

2. www.emrpolicy.org and Cell Phone Report-www.ewg.org

3. <http://electromagnetichealth.org/wp-content/uploads/2011/03/Karolinska.pdf>

4. http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf

5. www.stopsmartmeters.org

6. www.electromagnetichealth.org

7. Glaser, Zorach R., Bibliography of reported Biological Phenomena (Effects) and Clinical Manifestations Attributed to Microwave and Radio-frequency Radiation. Naval Medical Research Institute, Research Report MF12.524.015-0004B, National Technical Information Service, US Dept. of Commerce, 1971

8. http://www.emrpolicy.org/litigation/case_law/docs/noi_epa_response.pdf

9. Docket No. 05-10-03RE04, State of CT Department of Public Utility Control, Brief of George Jepson, Attorney General for the State of CT. February 8, 2011

10. Lutzenhiser, S., et al., Beyond the Price Effect in Time-of-Use Programs: Results from a Municipal Utility Pilot, 2007-2008. In *International Energy Program Evaluation Conference 2009*. Portland, OR, 2009. LBNL-2750E

11. <http://www.youtube.com/watch?v=GYvIHU0niDg> (CBC News)

FOMB Sues to Restore St. Croix Alewives

April 22 (Earthday): FOMB, partnering with national environmental advocacy group Earthjustice and co-plaintiffs Doug Watts, Ted Ames, and Kathleen McGee, filed suit in federal court against the state of Maine seeking to set aside illegal state law and reopen the St. Croix River to alewives and blueback herring, collectively known as river herring. Responding to the shrill voices of a few small mouth bass (a non-native species) fishing guides and the few equally adamant and loud legislators listening to them, state laws were passed in 1995 and 2008 to eliminate native river herring from their native habitat throughout the St. Croix watershed along the Canadian border. Maine's Commissioners of Marine Resources and Inland Fisheries & Wildlife, whom are the defendants of the lawsuit, were tasked to implement this ill-conceived and federally preempted legislation. Under the federal Clean Water Act, any elimination of an existing use, in this case a native species, constitutes a downgrade in water quality and river classification and cannot be done without preparation and submission of a Use Attainability Analysis (UAA) to the EPA for review and possible approval. The existing Maine legislation totally ignored federal law and the UAA process.

Every species in the Gulf of Maine eats alewives; from skunks to tuna, cod to eagles and hake to osprey. Because they spend most of their lives at sea and are low on the food chain, river herring are a relatively uncontaminated fish to eat. Without them, eagles, osprey and other fish eaters are left with a diet of resident fish contaminated by PCBs, dioxin and mercury. Alewives are native to the Atlantic Coast and spawn in shallow ponds and lakes. The St. Croix watershed is full of these and historically provided the best habitat and largest river herring runs on the east coast. In addition to extirpating alewives from the watershed, the Grand Falls blockade also prevents American shad, sea lamprey, shortnose sturgeon, tomcod, striped bass and resident species from accessing the watershed.

The economic implications are huge as well. Alewives are the favorite bait used by Maine and Canadian lobstermen and have been tied directly to the presence and health of inshore cod, hake and halibut populations. A restored alewife fishery throughout the St. Croix would benefit the Passamaquoddy Nation and others who could harvest millions for the lobster industry. Allowing sufficient alewife escapement and returns will help Maine's suffering groundfish populations, the groundfishing industry and of course wildlife throughout the region (including small mouth bass who will feed happily on young alewives).

(All documents related to the case can be found in the Cybrary/Legal section of our website)



Friends of Merrymeeting Bay
 P.O. Box 233
 Richmond, Maine 04357

Return Service Requested

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 ORGANIZATION

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 Dresden, ME

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FOMB Committees

FOMB's accomplishments are due to the hard work of dedicated volunteers, especially those who serve on our committees. If you want to get involved and serve, please contact the committee chair or Jim Mason. Please join us!

Steering Committee

Ed Friedman, Chair (Bowdoinham)
 Nate Gray, Secretary (Freeport)
 Vance Stephenson, Treasurer (Wilmington, NC)
 Tom Walling (Bowdoinham)
 Sarah Cowperthwaite (Topsham)
 Andrew Fiori (Bowdoinham)

Education Committee

Betsy Steen, Co-Chair, 666-3468
 Tom Walling, Co-Chair, 666-5837

Conservation and Stewardship Committee

Monique Lucarelli, Chair, 443-8477

Membership and Fundraising Committee

Nate Gray, Chair, 865-9377

Research and Advocacy Committee

Ed Friedman, Chair, 666-3372

Friends of Merrymeeting Bay • Box 233 • Richmond, Maine 04357

Membership Levels

- \$1,000+ Sturgeon \$750 American Eel \$500 Wild Salmon
 \$250 Striped Bass \$100 Shad \$50 Alewife
 \$20 Smelt Other

\$7 Enclosed

for a copy of *Conservation Options: A Guide for Maine Land Owners* [\$5 for book, \$2 for postage].

Name _____

Street Address _____

Town/State/Zip _____

Phone _____

Email _____

Renewal New Member Send information about volunteer opportunities.