



## Friends of Merrymeeting Bay

Friends of Merrymeeting Bay is a 501(c)(3) non-profit organization. Our Mission is to preserve, protect, and improve the unique ecosystems of the Bay through:

### Education

### Conservation & Stewardship

### Research & Advocacy

### Member Events

Support comes from members' tax-deductible donations and gifts.

Merrymeeting News is published seasonally by Friends of Merrymeeting Bay (FOMB), and is sent to FOMB Members and other friends of the Bay.

For more information call:  
Ed Friedman  
Chair of Steering Committee  
666-3372



## ROWING IS BACK ON THE BAY

After a 10-year absence a new organization, Merrymeeting Community Rowing Association (MCRA) has picked up the oars where Merrymeeting Rowing Club (MRC) left them ten years ago.

In 2011 MCRA leased property from the Brunswick Sewer District and established a boatyard at the end of Water Street in Brunswick, next to the boat ramp and at the beginning of the bike path. As of August 2012, the boatyard was nearly filled to capacity.



MCRA offers a variety of rowing opportunities, starting with learn-to-row in sweep boats and sculling boats. We are interested in offering high school students an opportunity to row and compete with other Maine high schools which have taken up the sport. MCRA has a fleet of boats and experienced coaches to support the programs offered and several individuals use the boatyard to store their own boats.

Officers for the MCRA are Scott Bailey, President and Peter Mason, Treasurer. The associates consist of 28 active members and there are an additional 20-30 people in the learn-to-row programs. MCRA is a 501(c) (3) non-profit organization, able to accept tax-deductible contributions. MCRA was helped in this effort by Portland Community Rowing Association, which several years earlier established itself as a 501(c) (3) organization. MCRA is insured through the U.S. Rowing Association, has a safety program to ensure all participants are safe, and pays an annual lease to the Brunswick Sewer District. For more information see the website at [rowbrunswick.org](http://rowbrunswick.org), visit the Maine Community Rowing Association page on Facebook, or call Scott Bailey at (207) 841-3433.

MCRA shares many of the interests and values of FOMB in desiring to maintain the river in an aesthetic, ecological and sustainable way, with an emphasis on human-powered activities that are not disruptive to the river and the Bay. MCRA will in time support FOMB in a manner similar to that of the Merrymeeting Rowing Club in years past.

**142 years after Bowdoin College introduced organized rowing to the Androscoggin River and Merrymeeting Bay, rowing is back on the Bay!**



## Friends of Merrymeeting Bay 2012 Accomplishments

### Media

Print: (Over 30 articles-US & Canada) Outings, Speaker Series, Lawsuits: Atlantic salmon- ESA, St. Croix alewives, Radio: 3x (US & Canada-alewives, salmon, Paul Watson), TV-9x-Speaker Series, Fish passage

### Volunteers

Approximately 3000 volunteer hours (375 days)  
78 volunteers

### Membership

350 households (33 new members)  
Speaker Series - 545 people  
Outside 2012 (Paddle Series & Walks -110 people)  
Newsletters -3

### Grants

\$147,795: Staffing, Houdlette Conservation Project, H2O Quality, Eagle Egg Assay, Carp Study

### Outreach

DMR Kennebec Celebration, Augusta  
Maine Maritime Museum Cruises & Paddles  
Wildlife Appreciation Day at the State House  
Brentwood Rehabilitation Center  
Saltwater Music Festival

### Education

Two Bay Days (260 students) 9 schools  
School Visits (22 visits, 500 students, 14 teachers, 6 schools)  
Non-School (760 people)  
The DaVinci- Summer Camp (45 students)  
Web site updates



### Conservation and Stewardship

Houdlette Conservation Project-repaid loan, began easement  
Continuous Landowner Outreach  
Ongoing Stewardship Activities

### Research

Phragmites removal follow-up on the Abbagadasset River  
Assist MHPC with Ft. Richmond. Archaeology Dig  
Assisted MDIF&W with bald eagle breeding/nest surveys  
Water Quality Monitoring - 26 sites

### Advocacy (postings, letters, testimony, etc)

Lawsuit-Atlantic salmon ESA listing  
Lawsuit-St. Croix Alewives  
Lawsuit-Worumbo Dam Rebuild  
Healthy Rivers/Healthy Gulf promoting safe fish passage  
Merrymeeting Bay Wildlife Sanctuary Signs  
Fish Consumption Advisories posted

## Primary Partners

Friends of Casco Bay  
Penobscot Bay Watch  
Forest Ecology Network  
National Environmental Law Center  
Earthjustice  
Friends of Kennebec Salmon  
Smart Meter Safety Coalition  
Bowdoin College Environmental Studies  
Department of Inland Fisheries and Wildlife  
Endangered Species Coalition  
Androscoggin River Alliance  
Maine Maritime Museum  
Department of Marine Resources  
Bowdoinham Public Library  
Maine Historic Preservation Commission  
Maine Land Trust Network  
Patagonia Outlet, Freeport  
Chops Point School  
Environment Maine  
Town of Bowdoinham  
Brunswick TV 3  
Merrymeeting Art Center

## *St. Croix Alewives Swim Upstream! We hope.*

In just a few minutes on Monday April Fool's Day the legislative Marine Resources Committee unanimously passed a bill offering St. Croix alewives unfettered access to the Grand Falls fishway and 98% of their spawning habitat up stream. After a number of years litigating this issue in federal court, FOMB introduced legislation to reopen the river. The Passamaquoddy tribe also introduced essentially identical legislation and the Governor introduced an "adaptive management" bill allowing limited alewife access but leaving non-native small mouth bass as the priority species. The Committee voted to pass the tribal bill and voted unanimously ought not to pass on our bill [we folded in a friendly fashion] and the Governor's. Never has defeat been so sweet. A week prior to this at the public hearing, 45 people testified in favor of both unrestricted access bills for these critical fish, 10 bass guides testified against all three bills and the Commissioner of DMR was the only one to testify in favor of the Governor's bill.

Because the passed bill is emergency legislation [in order to open the fishway by May 1], it needed a 2/3 vote to pass. On Tuesday April 2 the bill passed its first House reading under the hammer, meaning a roll call was not taken. There were no objections. A few days later it went under the hammer again for its second reading in the House and then passed a first and second round in the Senate. As this newsletter goes to print the bill has just been overwhelmingly enacted by roll call votes in both bodies. It passed in the House with 84% in favor and in the Senate with 91%. By the time you read this, we will know whether the Governor vetoed the bill, signed it or didn't sign it, allowing it to pass by default. **SO MANY THANKS TO ALL!!!!**

## Ten Seconds in the Upper Watershed.

Bog Brook has always figured large in my life and imagination. I have been there thousands of times in my mind. These imaginary journeys are nearly as satisfying as the real thing. Certainly a lot less strenuous than going there in person and at times a lot less dangerous. Not that I would ever give up going there and suffering waves of black flies, epic late afternoon thunderstorms, snakes, bears and every manner of creature that inhabits these parts. I have gotten lost coming here and gotten lost leaving here. It enchants me. I can sit anywhere and conjure up this spot in my mind - hearing its waterfalls, smelling its deep forest smells, seeing the black stream as it slicks down a spruce boulder backdrop. It is a magical place that I visit twice a year in person if I'm lucky. I go there to worship brook trout, silence and remember.....

I hug the East bank of the brook as long as I can. The water is high but clear, warming nicely in the long days of early summer. The trout are eager and smack greedily at my fly. In all that current it's amazing they can even see the fly as it whips past their lay. Yet they do see it. And they come after it black shadows flashing. Somewhere close by I hear my brother, downstream, opposite bank. I see some alders thrash crazily and my brother wades from their midst. His fly rod fetches up in the alders and falls to pieces, the reel whining in protest. Without pause, he retrieves the pieces, reassembles them and deftly casts. His line flashes out in the sun and alights in the pool. I watch him fish for a moment before I commit to the alders on my side of the stream. We'd leap frog each other this way fishing as we go up stream.

I turned away from the stream and head a ways inland to where the alders thin to spruce. The walking would be much easier. I ducked into the spruces, hooked left and walked for a hundred yards or so. Then I hooked left again and headed back towards the stream. After a bit the alders got real thick. And so did the black flies in the heat of the day. I stopped and put on some Woodsman's fly dope. Its' reassuring smell would at least make me feel better about being eaten alive. I continue towards the stream and the black flies get thicker with every step. The brook's got to be right there in front of me. There, I can see the clearing. I ease forward and step through the alders into the brook while inhaling a black fly. Hands on knees, gagging

and bug eyed I look across the stream and see through watering eyes a cow moose with her calf. Maybe ten yards away. Their heads buried in halos of black flies. For a split second the cow moose and I lock eyes.

A lot can happen in ten seconds. A lifetime can happen. A cow moose can cover a lot of ground in ten seconds. So could I, it turns out. The moose came after me in an instant. Hair bristling, ears laid back and head slung low she sprung forward intent on protecting her calf by stomping on me soundly. I spun, dropped my rod, sprang into the alders and ran. I heard a deep thrashing behind me as alders whooshed aside branches snapping. I broke out of the alders and into the firs and spruce. I glanced over my shoulder. No moose. It takes me a few minutes to catch my breath. Around me the forest is silent except for the roaring blackflies and the background whispers of the brook. All I can think of is that moose. How close she was. How she never heard me coming.

After a bit I heard my brother holler. I hollered a reply and very cautiously headed back the way I'd come. I kept up hollering every so often. I came to the alders, saw the tracks of the moose where she'd come out, turned and returned to her calf. She'd followed me a ways. I found my amazingly unbroken fly rod right where I'd dropped it. I found my brother shortly after that. He was waving and pointing off downstream. When I got to him he told me excitedly about this cow moose who came charging down the stream with her awkward calf in tow. He explained where the moose had first appeared crossing the stream above him and disappearing into the thick forest beyond. He said the calf was making noises. Squeaky, grunting noises. "Did you hear it"? He asked. "No, I can't hear a thing except these black flies"! I reply. "Well, they made a racket". He remarked.

I have replayed those ten seconds in my mind countless times. I vividly recall every hair on that moose in high definition, feeling my heart pound and my pupils constricting to pin pricks. My brother and I have each told the story dozens of times. My story has never changed. Though hearing him tell it, you'd think I was back at camp, eating beans for the whole episode. I know different. I saw something. Something so rare and indefinably wild, it has left an indelible mark on my soul. A lot can happen in ten seconds.

## From the Chair: 2012 Highlights

2012 had many gains for FOMB. Responding to our threat of legal action over lack of river herring passage on the St. Croix River, the EPA notified Maine that we are in violation of existing water quality standards requiring all native fish to be present in the river. Maine responded saying restriction of native alewives was within the police powers granted Inland Fisheries and Wildlife to enforce game laws. With the prescribed waiting time for the EPA to establish revised water quality standards expired and their unwillingness to follow through, we sent them another Notice of Intent (NOI) to sue for failing in their non-discretionary duty to act. As we go to press, our new complaint is in its final stages while there are two bills in the legislature (ours and the Passamaquoddy's) calling for unlimited herring access for 2013.

In May, thanks to a major donor, we hosted Captain Paul Watson as the final speaker in last season's Speaker Series. Watson, founder of the Sea Shepherd Conservation Society is most notable for his direct action tactics in protecting whales from Japanese whalers operating illegally in Antarctic waters, but also works in other areas around the world helping those sea species under threat who cannot help themselves. Approximately 250 people came from as far away as Boston and Montreal to attend this event which was also featured on MPBN's Speaking in Maine. Within three weeks of the event, Watson was seized by authorities in Germany and placed under house arrest based on a 10 year old warrant from Costa Rica stemming from an illegal shark finning incident in Guatemalan waters. False



In illegal shark finning, sharks are caught generally on long lines and killed only for their fins, mostly used in soup. To hide the [well-known] activity from prying eyes, fins are typically dried on roof tops as in this photo from January 2, 2013.



testimony, in part the basis for Watson's listing by INTERPOL has since been withdrawn and Sea Shepherd attorneys are working to get the charges dropped. With news of impending extradition to Japan, Watson slipped out of Germany early this winter and 9,000 miles later is aboard one of his ships in Antarctic waters, part of this year's Zero Tolerance Campaign to save our last great whales.

Also in the spring, FOMB received final funding awarded for protection of the Houdlette or Dresden Falls archaeological site in Dresden. Considered the most significant prehistoric site in the state it took us six years to save this site from development and to protect it. We paid back our purchase loan on schedule and are now finishing a conservation easement on the property before transferring the final piece to The Archaeological Conservancy.

In 2012 FOMB education volunteers made over 20 visits to schools bringing pleasure and knowledge of the Bay to students via our “critter visits.” Our long tradition of getting kids filthy while teaching them in a hands-on fashion about the Bay continued with great success for a few hundred students at our fall and spring Bay Day’s.

We had welcomed Executive Coordinator Jeff DeRosa on board early in the year but in September, while volunteering as a football coach with the Brunswick Jr. High School, Jeff decided he wanted to pursue teaching and resigned. This was a disappointing loss as we had high hopes for Jeff. We wish him well and continue our search for a new coordinator.

FOMB was featured in 30 news articles (US and Canada) this last year on such subjects as our ESA and St. Croix CWA litigation as well as the Dresden Falls property and Paul Watson. We also were on the radio in both countries and our speaker series was regularly broadcast on community cable television.

Approximately 80 volunteers contributing 3,000 hours made our accomplishments possible as did our continuing Steering and sub-committee members, a gaggle of attorneys quite a few partner organizations and all of our members. Thank you so much for your support!

Respectfully,  
Ed Friedman, Chair



## *Fort Richmond Archaeological Dig Volunteer Opportunities Continue*



The Maine Department of Transportation is replacing the Richmond-Dresden bridge over the Kennebec River beginning in 2013. The new bridge approach road will pass through the site of Fort Richmond, the first of the Kennebec River forts that was constructed in 1721 and decommissioned in 1755. Also impacted will be the site of the Parks family homestead that was present between ca. 1775 and 1830. Work by The Maine Historic Preservation Commission (MHPC) in 2012 revealed intact structure foundations, palisade trenches and fort period artifacts, as well as refuse deposits from the Parks occupation. There is a lot of material on this site and your help is needed to complete the project by July 1. This year’s work will begin in mid-April. Volunteers are needed to assist with field work consisting of excavation and soil sifting at the site in Richmond, and with artifact processing in Richmond and at the Fort Western Museum in Augusta. To volunteer, please contact Bill Burgess at [william.burgess@maine.gov](mailto:william.burgess@maine.gov) or call Ed Friedman at 666-3372.

## *Julian Holmes-In Fond Memory*

FOMB member, activist, political crusader, scourge of apathetic and dishonest state and federal bureaucrats; retired physicist Julian Holmes died December 16, following a stroke at his home in Wayne, Maine.

Julian was born on 20 November, 1930, in Portland, Maine. His parents, Cecil T and Marion C Holmes, were both mathematics teachers and passed on a love for science to their son, who majored in Physics at Bowdoin, after which he became a scientist for the Naval Research Laboratory (NRL) in Washington, DC. As an important part of his work, he conducted research on the effects of chemicals on the ionosphere. This led to their elimination from aerosol products. He spent his entire career working at NRL and then retired to Maine.

In private life, he was an activist, supporting worthy causes on many issues, from zoning laws to clear cutting to gasoline additives and near his end, the mandated installation of radiation emitting and detailed information gathering smart meters.. He won the Washington Star Trophy Award given to one outstanding Washington-area citizen. The prize, for him, contained a plaque reading "Prince Georges' County's biggest Gadfly", a label he was immensely proud to wear.

Julian played a role in the Watergate investigation, and in the empaneling of citizen grand juries in Maryland rooting out corruption in Prince Georges County.

Holmes was a member of the Maine Green Party in its early years.

He was instrumental in the successful fight against Angus King's Sears Island woodchip port proposal thanks to his extensive, targeted use of federal and state freedom of information laws, revealing unlawful political pressure being successfully brought by then-Congresswoman Olympia Snowe. Snowe bullied EPA Region 1 director John Devillars into removing normal agency staff reviewing the Sears Island application from the case, replacing them with more port-friendly employees.

Thanks to Julian's information, PEER (Public Employees for Environmental Responsibility) sued the EPA New England regional administrator. The group dropped the case when the EPA regional administrator agreed to restore the staffer and remove the trumped up charges from her personnel file,

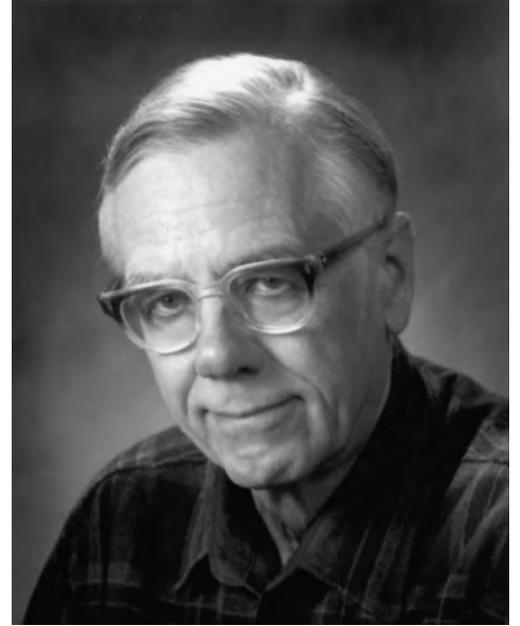
As a result, EPA staffers were allowed to finish their review of the port and deliver it to the Army Corps of Engineers. The Corps, then set environmental requirements for building the port the King Administration was unable to meet.

Holmes also played an important role in the banishing of MTBE reformulated gasoline from Maine gas stations.

Julian was a true public citizen and a generous donor to those in need, whether a person needing basic living necessities, or grassroots environmentalists in need of computers and other gear. He was concerned about peace and justice, media censorship, government corruption, health care for all, the environment, civil rights, and preserving the Maine Initiative and Referendum, to name a few issues.

He testified frequently at the Maine Legislature on bills related to his issues, and he supported and joined organizations working on them. He was especially pleased his efforts helped ban the sale in Maine of MTBE, the gas additive that poisoned Maine wells in the 1990's. He believed with his entire being that a few dedicated activists can change the world! He was, in this sense, one of the most optimistic people ever.

Thank you Julian for everything you did. Maine and the Earth at large are better for your having been here.



*Ron Huber  
Friends of Penobscot Bay*

*Eleanor Holmes  
Brunswick*

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

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- Renewal
- New Member
- Send me information about volunteer opportunities.

\$7 Enclosed for a copy of *Conservation Options: A Guide for Maine Land Owners* [\$5 for book; \$2 for postage.]

FOMB Leadership

Our 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 Ed Friedman. Please join us!

- Steering Committee**
- Ed Friedman, Chair (Bowdoinham)
- Andrew Fiori, Vice Chair (Bowdoinham)
- Sarah Cowperthwaite, Secretary (Topsham)
- Nate Gray, Treasurer (Freeport)
- Tom Walling (Bowdoinham)
- Leon Ogrodnik (Harpwell)
- Education Committee**
- Betsy Steen, Co-Chair, 666-3468
- Tom Walling, Co-Chair, 666-5837
- Conservation & Stewardship Committee**
- Monique Lucarelli 443-8477
- Membership & Fundraising Committee**
- Nate Gray, Chair (Freeport)
- Research and Advocacy**
- Ed Friedman 666-3372

*Thanks to David Hansen for layout and design of this issue.*

**turtle...**

old map eyes  
 her memory isn't so good  
 her heart, it beats even when hauled, hollowed  
 sliced and sacrificed in the snake oils  
 she forgets to die  
 or blame anybody

old map eyes  
 heavy in the nets  
 she, still lives on air  
 she doesn't know  
 if it's sky or water  
 to her, it's all the same  
 it doesn't matter

old map eyes  
 can't remember when it started  
 or which side of the moon she's on  
 she still cries big tears around men  
 she hollers and screams like a real girl.

i heard that she crossed an ocean  
 came ashore and then turned herself right around  
 i heard she started digging a hole  
 and then, for no reason, just went right back into the ocean  
 she never once looked back  
 crossed a whole ocean to play in the sand.

Nobody knows why she came here  
 Some say she has been here before  
 Old folks tell crazy tales about how she's been coming here forever  
 Once, this kid told me that he saw her shadow take  
 Ten thousand tiny shapes  
 'Like ten thousand tiny black angels' - he said  
 Burst from the pile of sand she made  
 They all followed her belly-path  
 Out to sea - 'right into the moon' - he said.

I'd seen that boy before, following tourists like the dolphins follow our boat  
 Laughing and grabbing at the things they'd leave behind  
 Crazy kid! But, that morning when he told me about the angels  
 I can't remember exactly what it was  
 Man, there was something awful in his eyes  
 It was like a switchblade opened and cut me here at my throat  
 All the way down to my gut  
 And then, shit, i know it's weird, but  
 I felt like my whole insides poured into the sea  
 Right there where sun rises  
 Red as a rose.

He's there now, making something in the sand  
 He's singing - digging for something  
 Kid's lost, he's lost... must be lost  
 Happens all the time now.



Friends of Merymeeting Bay  
P.O. Box 233  
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## Atlantic Salmon Endangered Species Case Update- Judge Rules Fish Kills Allowed if Permission Granted Later

On January 14, 2013, federal judge George Z. Singal dismissed FOMB's Endangered Species Act enforcement cases against Miller Hydro Group, Topsham Hydro Partners, and Brookfield Power; dismissed FOMB's Clean Water Act enforcement suit against Brookfield; and ruled that a trial is required to resolve FOMB's suit against NextEra Energy, which was brought to enforce both the ESA and CWA.

The suits alleged that hydroelectric projects the four companies own and operate on the Kennebec and Androscoggin Rivers are violating the ESA by killing and wounding endangered Atlantic salmon. Turbine kills and blocked migration routes – which FOMB asserted were unauthorized “takes” of an endangered species - were among the allegations in the case. Judge Singal ruled that because Miller, Topsham, and Brookfield eventually obtained authorization from the National Marine Fisheries Service to take salmon (nearly two years after FOMB and its co-plaintiff, Environment Maine, sued) - the controversies had been resolved and the cases had become “moot.” NextEra has not received authorization to take salmon, but in pretrial motions Judge Singal denied both FOMB's request for a ruling of liability and NextEra's request to dismiss the case, finding that trial testimony is needed.

Judge Singal also dismissed FOMB's CWA claims that Brookfield and NextEra are violating a provision of their CWA water quality certifications which provides that if the companies “desire” to pass downstream migrating adult salmon through their turbines, they must first perform dam-specific studies establishing the safety of such passage. Judge Singal ruled that because the companies had installed a diversionary boom at some of the dams (which FOMB argued are wholly inadequate), the companies did not “desire” to pass adult salmon through turbines.

FOMB has appealed the ruling in the Brookfield case. The NextEra case is headed for further proceedings in court.

*David Nicholas*