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## Education

## Conservation & Stewardship

## Research & Advocacy

## Member Events

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

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## America's Dam Busting Is a Sign of Economic Strength, Not Decline

Benefits such as the return of sea-run fish should not be overlooked

Observers of China's rise, such as tech analyst Dan Wang, often argue that China's engineering prowess is enabling it to leap ahead of the United States' litigious society. Pointing toward projects like the Motou Hydropower Station (a new dam that will have triple the capacity of the already massive Three Gorges Dam), these critics argue that in a contest between a nation of lawyers and a nation of engineers, engineering wins.

But it was the lawyers, not the engineers, who spurred the United States' rise as an industrial power.

Consider the first big American dams, built in the 1820s across the Merrimack River in Lowell, Massachusetts. Roman engineers had figured out how to build sizeable and durable dams 2,000 years ago, so it was certainly not technology that had limited their construction in the United States up until that point. Instead, common law protected people against the ambitions of the powerful—that is, until creative lawyers in the early 19th century transformed interpretations of existing precedents so rivers could power Lowell's mills.

At the time, most people opposed dam building. New England farmers did not want their fields permanently flooded, and communities all along the rivers did not want to see their fisheries collapse. They petitioned legislatures and sometimes attempted to dismantle the dams, but their resistance eventually failed.



Brunswick dam kills fish.  
Photo: Ed Friedman

Judges ultimately converged on the doctrine of "reasonable use" that allowed mill owners to build dams. Even if the damage to existing river uses was substantial, that could still be outweighed by the future economic benefit of the dams. This doctrine, in other words, allowed lawyers and their clients to essentially seize property rights from farmers and fishermen for industrialists in the name of national growth.

Further legal innovations laid the groundwork for the mega-dams built on the Colorado, Columbia, and Tennessee rivers in the 20th century. The federal government drew on its right to regulate commerce in the Constitution by arguing that these structures improved navigation.

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*“America’s Dam Busting Is a Sign of Economic Strength, Not Decline,” continued from page 1*

As a result, the concept of reasonable use was nationalized, allowing the federal government to claim the rivers’ waterpower over all competing claims. These projects were intended to create jobs for laborers and engineers alike, but their work could only begin in the lawyers’ wake.

In stark contrast to this era (and to China today), the last 30 years in the United States has been a story not of dam building but removal, with New England leading the way.

Our oldest dams in particular have been torn down at a rapid rate, owing in part to their deterioration. As Bruce Babbitt, the U.S. Secretary of the Interior, put it in the late 1990s, “Dams are not like the pyramids of Egypt that stand for eternity.” The 1999 removal of the Edwards Dam on Maine’s Kennebec River, ordered by the Federal Energy Regulatory Commission, established a landmark precedent that free-flowing rivers should be prioritized.

But we’re not rebuilding our decrepit dams after we tear them down, either. And that is because the law began to change in the 1970s owing not just to environmental concerns, but also to the recognition that an undammed river has substantial economic value whether through increased recreation or development.

In Maine, I can now take my sons fishing for shad every May on the Kennebec—and lobstermen have a cheaper source of bait thanks to the returning fish. Sea-run fish, after all, are really just a form of energy transferred from the ocean to the interior.

These sorts of economic benefits, more than any environmentalist rationale, make choosing not to rebuild our dams a pragmatic choice. Meanwhile, we have numerous other sources of energy, western rivers like the Colorado River are drying up and the costs of rebuilding can be astronomical.

Rivers and lawyers share two defining qualities: flexibility and resilience. On rivers where big dams have come down, fish have returned at a scale beyond the most optimistic predictions. China’s engineering leaders may build bigger marvels to tame rivers and compete with the United States. But American strength lies in our ability to change our minds. Our crumbling dams do not signal decline. Instead, our strength as a nation is a dynamism rooted in the law, and in the rivers that sustain us.

*Scot McFarlane*

**\*Ed. note:** This piece by FOMB member Scot McFarlane was [originally published as an op-ed](#) in the *Portland Press Herald* on May 11, 2026. Scot is a historical consultant at the Oxbow History Company and author of the forthcoming book, *The River That Made Texas: A Forgotten History of the Trinity*.



Milltown Dam removal  
Photo: CHCO TV

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## *Big Bird*

It’s river herring season again and that means the predators come calling. Benton Falls Dam on the Sebasticook River turns into a feast as bald eagles and ospreys ply their trades in earnest. It never ceases to amaze me. I’ve witnessed this spectacle for years, but it surely never gets old.

The bald eagles are big, but the females are the biggest. They can weigh up to 14 pounds and are 30% larger than the males. I’ve handled a few working with Avian Haven, a local animal rescue center in Freedom Maine that has released recovered birds at Benton Falls over the years. Seeing one close up can be startling. It’s a big animal, very aware of your presence. Their yellow eyes are piercing and an absolute marvel in precision animal optics. You really appreciate why this bird is our national symbol.

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**“Big Bird,” continued from page 2**

The bald eagle numbers at Benton nearly guarantee viewing success. An overlook a quarter mile downstream affords an excellent view of the far and near riverbank spanning nearly a thousand yards. This bench of land was once a small Native American village. You can guess why they chose this spot. Nearly every one of the trees along the riverbank has one or two perches that the eagles use.



**Landing at Benton**  
**Photo: Jane Davidian-Yurko**

A couple of Saturdays ago some 650 people attended the Benton Falls Alewife Festival. We did tours of the fishway so people could see the alewife fishery happening right at their feet. The weather was glorious, and the bald eagles did not disappoint. The river herring did not disappoint either. Huge numbers were passing through the facility. Everyone who cared to look got an eye full. I handed out my binoculars to a lot of people and had them scan the trees below the dam. The juvenile bald eagles blend into the trees but the binoculars reveal them. Many folks exclaimed, “Wow, there’s a bunch of them!”

About 2:00 p.m. a helicopter showed up, performing a flush count of eagles. The helicopter flushes the eagles out so they’re easier to see and count. Using clicker devices, one hand counts the adults and the other hand counts the juveniles. You go upriver and then back down. Compare the results, do some stats, and get a population estimate.\*

I wandered down to visit with the helicopter pilot and his passenger eagle counter. Jack the hydro plant operator was with me, and I had my binoculars. Where the helicopter was parked we could see 20 eagles in the far trees, a mix of adults and juveniles. But somewhere in this pile of eagles was a *golden eagle*. The plant operators at Benton Falls have seen it. They had pictures and videos of it.

I was super excited. I’ve never seen a golden eagle in the wild. Golden eagles are pretty stand-offish. They like big wide-open expanses and the fewer the people the better. Their primary food sources seem to be rodents. They are terrestrial hunters, but will eat fish, especially when their normal food items are scarce.

But they are hard to see. From a distance, a juvenile bald eagle looks very much like a golden eagle. And as of this writing, there must be at least 120 juvenile bald eagles at Benton. It’s the equivalent of an eagle “Where’s Waldo.”

In the past two weeks I’ve been to Benton at least a dozen times. So far, it has managed to elude my eyesight, augmented with binoculars or not. The guys at that dam have seen it several times, but I’ve looked and looked and so far, my consolation prize has been a pile of juvenile bald eagles, adult bald eagles, bald eagles chasing ospreys carrying fish, and ospreys flying like hell trying to outpace bald eagles.

I might get lucky and spy this golden eagle, maybe even get a picture. Another few weeks remain of the river herring run; then there is the eel passage work. I’ll be watching.

*Nate Gray*

\*FOMB has been flying eagle nest/chick surveys in the lower watershed for 24 years in fixed wing and rotary aircraft, providing population data to USFWS and MDIFW. We have counted over 300 eagles in this short stretch.



**She’s out of the hand; a successful Avian Haven release**  
**Photo: Terry Heitz**

## *Spring Bay Day Brings a Ray of Sunshine!*

On Tuesday, May 12, amidst a long sequence of rain and clouds, the weather gods smiled on our Spring Bay Day, presenting to us the best day of that week. Taking full advantage, 170 fourth- graders from Bay-area schools gathered for a day of hands-on, fun, and sometimes dirty and wet, environmental education. FOMB's Spring Bay Day is hosted by the Chop Pt. School in Woolwich. Fall Bay Day, this year on September 29, will be, as usual, at the Department of Inland Fisheries and Wildlife's Merrymeeting Bay Wildlife Management Area, located in Bowdoinham.

Students from Woolwich, Phippsburg, Pittston/Randolph, Chop Pt., and Fisher Mitchell in Bath attended this Bay Day and participated in sessions such as Beach Seining, Watershed Modeling, Archaeology, Insects, Migratory Fish, Environmental Art, Macroinvertebrates, Raptors, Fish Printing, and others. FOMB organized about 50 volunteers to lead sessions and to act as group chaperones. Included were representatives of the Maine Departments of Environmental Protection, Transportation, and Marine Resources, as well as the Brunswick Sewer District, Bigelow Lab for Ocean Sciences, Wilderness Miracles, and Maine Master Naturalists.

At Bay Days we have had students say they don't want to go home at the end of the day or that they want to become archaeologists. We've had teachers tell us this is their favorite day of the school year. Just this Bay Day we had one student who we were warned was terrified of insects. Just his luck, he ended up at Macroinvertebrates. He was totally scared of the creepy crawlers at the beginning of the session and enthralled by the end. Our goals in providing Bay Days for over 30 years (long before it was popular to "leave no child left inside") are to provide fun tactile outdoor experiences to help students develop a sense of place and appreciation not only for the Bay in particular but of the environment in general, for which one day they will be the stewards. We hope Bay Day becomes a formative experience for them. If Tuesday was indicative, it appears kids are off to a good start.



Clockwise from top left:  
Chop Pt. School boathouse—location, location, location  
Archaeology—who doesn't like digging for old stuff?  
River herring predator!  
Beach Seining

Photos: Ed Friedman

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*“Spring Bay Day Brings a Ray of Sunshine,” continued from page 4*

### Thanks to Guides and Helpers

Eric Ham, Kent Cooper, Jessica Hedgpeth, Julia Kennitz, Mike Curran, Shannon Nelligan, Jaidyn Negley, Joe Trafton, Kathi McCue, Sheri Fraser, Kim Lato, Nate Gray, Linda Hornbeck, Chip Spies, Betsy Steen, Leslie Anderson, Becca Peixotto, Cyndie Lamoreau, Jane Davidian-Yurko, Elizabeth Walker, Josie Quintrell, Alexis Wheatley, Carolyn Rowley, Charlotte Agell, Cathy Reynolds, Sue West, Sunny Pinkham, Ernie Bergeron, Bryon Chonko, Nellie Holligshead, Brandon Elwell, Nathan Abbott, and Adele Morgan.

### Thanks to Chaperones

Jessica Chappell, Dan Smith, Martha Spiess, Phil Brzozowski, Becky Bowes, Sandy Scholar, Martin McDonough, Tina Phillips, Elise Straus-Bowers, Brian Bowers, Bill Good, Steve Musica, Teres Winter, Dana Cary, and Jim Begley.

**Special thanks to our hosts at Chop Pt. School and to Wild Oats Bakery for our delicious lunches!**

*Ed Friedman*



Photo: Becky Bowes



Photo: Becky Bowes



**Clockwise from top left:  
Watershed Modeling  
Next year we'll have a more effective insect net.  
Environmental Art  
Nonpoint Source Pollution—water is everywhere.  
Wilderness Miracles Opossum  
Even the horses like Bay Day!**

**Photos: Ed Friedman, except where noted.**

## Stony Island South

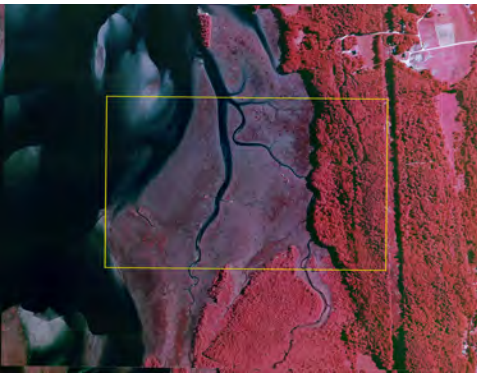
In North Bath, overlooking the lower Androscoggin River a bit south of Stony Island, was a lovely and interesting parcel of 30 upland acres and about 90 acres of highest value (for wildlife) tidal wetlands. I say “was a lovely” because the former short-term owner savagely clearcut about half of it, supposedly for three house lots, but it appears also to sell off much of the timber.



Aerial view of clear-cuts  
Photo: Point of View Helicopter Services



Clearcut mess  
Photo: Ron Franklin



Color infrared of marsh, 2008  
Photo: J.W. Sewall

There is a highland portion of the property with an overstory that was mostly white pine. Separating this area from the lowlands is a cliff band bedecked with ferns and huge crustose lichens. The lower area overstory is mostly an assortment of deciduous tree species, with red oak the predominant type.

The cuts are a horrific blight upon the landscape but do make for stupendous views of the lower river and Merrymeeting Bay, which could have been accomplished with only minor selective cutting.

The property is located at the approximate start of the Stevens Carry, a prehistoric and then historic portage route from the lower Androscoggin to the New Meadows River.

This carry short circuits a trip down the lower

Kennebec and around Small Point to or from Casco Bay. The property is virtually inaccessible to the public by land but can be accessed at high tide from Stevens Creek and the Androscoggin.

Through nearly all of the 1800s a free black or African American community settled in the area from Old Bath Road in Brunswick up into North Bath. These folks were mostly farmers but also some mariners and other tradespeople. Brunswick’s 163-acre town parcels, formerly owned by Maine Gravel Services, and the 66-acre Capt. William A. Fitzgerald Recreation and Conservation Area are now named the Francis and Mahitable Heuston Park after one prominent black family who lived in the area at the southern end of settlement. Further north, just over the Bath line and below the clearcuts, John Harrison and his family settled and are buried there in a tiny plot near the start of the Stevens Carry. John died in 1876 at age 76.



John Harrison, RIP  
Photo: Alan Bowes

Knowing that the only thing worse than this massive hillside cut, which is visible for miles, would be the “final crop” of mansions, a major donor approached FOMB wondering if they funded the purchase, would we acquire the property to protect it as wildlife habitat for future generations?

*Continued on next page*

*“Stony Island South,” continued from page 6*

To make a long story short, our Steering Committee said yes, and a number of months later the property was ours. Our focus is on rewilding this parcel. We have jump-started restoration by planting tree and shrub bare-root seedlings and plugs and by spreading native conservation seed. We just completed a clean-up of 12-15 giant piles of tub grindings, each maybe 15' high and 15' at the base. In August we will be attacking about 4 acres of invasive honeysuckle centered around the old Harrison cellar hole.



Awesome views  
Photo: Ron Franklin



Old landing  
Photo: Ron Franklin

## WE NEED YOU! PLEASE SUPPORT OUR IMPORTANT WORK

### 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. We always welcome member input and we'd love for you to join us!

#### Steering Committee

Ed Friedman, Chair (Bowdoinham)  
Vance Stephenson, Treasurer (Beavercreek, OH)  
Becky Bowes, Secretary (Brunswick)  
Phil Brzozowski (Brunswick)  
Nate Gray (Vassalboro)

#### Education Committee

Betsy Steen, Chair, 666-3468

#### Conservation and Stewardship Committee

Chair Vacancy

#### Membership and Fundraising Committee

Nate Gray, Chair, 446-8870

#### Research and Advocacy Committee

Ed Friedman, Chair, 666-3372

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#### Membership Levels

- |   |   |                                     |
|---|---|-------------------------------------|
| <input type="checkbox"/> \$1,000+ Sturgeon  | <input type="checkbox"/> \$250 Striped Bass | <input type="checkbox"/> \$20 Smelt |
| <input type="checkbox"/> \$750 American Eel | <input type="checkbox"/> \$100 Shad         | <input type="checkbox"/> Other      |
| <input type="checkbox"/> \$500 Wild Salmon  | <input type="checkbox"/> \$50 Alewife       |                                     |

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|-------------------------------------|---|
| <input type="checkbox"/> Renewal    | <input type="checkbox"/> Send information about volunteer opportunities |
| <input type="checkbox"/> New Member | <input type="checkbox"/> I would like a FOMB flying ducks sticker       |

\$7  
Enclosed (optional) for a copy of Conservation Options: A Guide for Maine Land Owners [\$5 for book, \$2 for postage].



Thanks to Rebecca Bowes for newsletter layout.



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## *Freeing the Androscoggin*



Photos: Chris Gutscher and Alan Bowes