

Merrymeeting News

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The Newsletter of Friends of Merrymeeting Bay • PO Box 233 • Richmond Maine 04357 • 207-666-1118 • www.fomb.org

Friends of Merrymeeting Bay (FOMB) 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 and is sent to FOMB members and other friends of the Bay.

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ST. CROIX ALEWIVES ARE BACK!

In 1995 the state legislature cowed by special interests (smallmouth bass fishermen), passed a law prohibiting the passage of alewives through state-controlled fishways on the St. Croix River including the Woodland and Grand Falls Dams (numbers two and three above Milltown Dam at head tide). Alewives are an east coast fish and are considered a keystone species providing food for everyone—bigger fish like cod, birds like eagle and osprey, and a wide variety of mammals from otter and mink to bears. They are also the preferred lobster bait for Maine lobstermen. Grand Falls Dam, is the gateway to more alewife habitat than in any other watershed within historical alewife range. The St. Croix was also known for its large runs of Atlantic salmon and American shad.

Perley (1852), in his report of the fisheries of New Brunswick, states that “the average catch of salmon at Salmon Falls, in Calais, was 18,000 annually. Gaspareaux, (alewives) came in such numbers that it supposed they could never be destroyed. The numbers of shad were almost incredible.” Atkins (1887) reported: “The St Croix is remarkable, even among the rivers of Maine, for the great extent of the lake surface among its tributaries. These lakes afford breeding ground for great numbers of alewives, and, in the main river and its branches, here the salmon and there the shad found their favorite haunts.”

In 2008, the legislature passed a bill amending the 1995 legislation in order to allow alewives past Woodland Dam (opening a few more miles of river). However, they continued the prohibition beyond Grand Falls Dam, directing the Inland Fisheries & Wildlife (IF&W) and Department of Marine Fisheries (DMR) Commissioners to enforce this fishway closure. In 1995 there were 223,133 alewives passed at the Milltown fishway. By 1999, the count was 25,327 and by 2002, the count was down to 900. Canada’s Department of Fisheries and Oceans (DFO) began some minimal stocking above Woodland in an effort to maintain a minimal population that would return to the river.

FOMB filed suit against the two Department Commissioners in 2011. Every Maine water body must meet a particular water quality standard containing existing designated uses (like fishing, swimming, native migratory species, etc.). Designated uses must be present (or a mechanism to get them in place). Since the legislature had eliminated the designated use (presence of alewives) they had essentially downgraded the water quality standard and had done so without required EPA review.

Our lawsuit was filed against the state but could also have been filed against the EPA for failure to review and or enforce the water quality change. The court rejected our claim against the state but directed us to the EPA for relief. The Conservation Law Foundation (CLF) had already filed suit against the EPA but it was upon receipt of our Notice of Intent to sue, the EPA wrote Maine’s Attorney General advising him the defacto downgrade via statute was not acceptable because the designated use of alewife presence was no longer being met. And that fish passage should be resumed.

By 2012 alewife returns were 36,168. Largely as a result of our advocacy, the fishway at Grand Falls was reopened. Now, six alewife runs later, 2018 returns were 270,659. Sometimes we succeed!



FALL BAY DAY

Fall Bay Day, September 25th at the Merrymeeting Bay Wildlife Management Area, provided a fantastic day of fun, mud and learning to 180 students from Brunswick, Bowdoin, Bowdoinham and North Yarmouth schools. We had great weather (not too hot) and rain held off until later in the day when we were done. Students enjoyed three sessions each from a selection of 16 subjects including: watershed modeling, archaeology, primitive skills, anadromous fish printing, wildlife ecology, beach seining, non-point source pollution and conservation canines. These Bay Days could not work without the tremendous participation of volunteer guides and chaperones!!!!



Grant Connors, Dick Brown, Kathy Claerr, Joe Kazar, Nate Gray, Angela Kimberk, Russ Estes, Jason Bartlett, Roy Morejon, Doug Watts, Bethany Brown, Tracey Helene Stump-Clark and Justin Schlawin;

Big thanks to our Chaperones:

David Hammond, Tom Hughes, Ann Hartzler, Pam Hanson, Richard Evans, Carole Sargent, Tom Walling, Phil Brzozowski, Elisa Strauss-Bowers, Martin McDonough, Mark Cheever, Martha Spiess, Susan Chase, Heather Cox, Jim Rea, Kate Gray, Meg and David Zellinger.

Special thanks to:

Wild Oats Bakery for the delicious lunches, David Whittlesey for his help with set-up and Keel Kemper at IF&W for use of the property.



Many thanks to Guides:

Steve Eagles, Kent Cooper, Leslie Anderson, Betsy Steen, Nate Bears, Mark Gershman, Fred Koerber,

WARNING: NO FISH BEYOND THIS POINT: (A FAILURE OF CONSCIENCE)

While our work on the St. Croix is a great example of how quickly fish restoration can occur given their access to habitat (270,000 herring in 6 years), we and Friends of Sebago Lake (FOSL) failed in our efforts to prevent the well-planned elimination of migratory fish from most of the Presumpscot River and virtually the entire Sebago Lake watershed. At least until 2053, when, most of us will be dead.

A couple of years of backroom negotiations between Friends of the Presumpscot River (FOPR), the Conservation Law Foundation (CLF) and SD Warren (now Sappi North America), with sign-on by USFWS, MDMR and the City of Westbrook, yielded an environmentally harmful settlement agreement giving away mandatory and satisfactory fish passage and probable partial removal of the Saccarappa Dam in Westbrook. This agreement stunningly removes existing fish passage provisions at critical upstream dams, Gambo and Dundee.

In exchange for elimination of fish passage requirements until at least 2053 for Gambo and Dundee dams, above which are 65% of Presumpscot River habitat and close to 90% of Sebago watershed habitat, Sappi will provide full dam removal in Westbrook and enhanced fish passage at the site to surmount anthropogenically altered bedrock ledge.

To get buy-in from possible opposition, SAPPI incentivized the city of Westbrook, offering to deed some waterfront Sappi land for Westbrooks Riverwalk and also provide in-river infrastructure for a whitewater park. MDMR will get several hundred thousand dollars for their budget, applied to work on the new passage facilities.

Bad enough, this dammed river is only about 26 miles long and any native species (river herring, shad, salmon, etc.) could swim to Sebago in a day given the chance (as fish passage). Thanks to this agreement and the watershed for short term localized gain. reason to believe these already troubled fish survive. Because river herring in particular are for so many other larger fish, the health of those herring-alewives and bluebacks.

Under the Clean Water Act (CWA) Maine's comply with water quality standards includ- (affirmed by the Maine Supreme Court multiple times). By amending Sappi's Water Quality Certificate to eliminate passage provisions (as requested by the agreement parties) at Gambo and Dundee dams, the DEP has violated the Clean Water Act by eliminating a designated use (the actual presence of migratory fish or a mechanism to get them there) existing in the original 2003 Sappi license. The parties have seemingly or cynically agreed the CWA can be discarded when inconvenient.

While we feel this is a winnable legal claim (not much different from our St. Croix case), litigation will further delay Sac- carappa Dam removal (playing into Sappi's hands), perhaps cause consternation as FOMB and FOSL are pitted against other sometime colleagues and cost a great deal.

Not appealing DEP's Final Order sets bad precedent, but at a lower level than if a court were to find and rule against us. Current water quality certification language has been supported by the Maine courts (in a 2003 case Sappi brought and lost) and US Supreme Court. In this sense we have "good" law (although the current proceeding makes this point arguable). Moving forward in a legal challenge would take us on definite path back to Maine Supreme Court and perhaps the US Supreme Court, where Sappi would dearly love to retry the 2003 case they originally lost. In a real sense, we are boxed in-living with the abuse of good law or challenging it with the possibility of making "bad" law in courts less friendly than 2003.

There are two dams upstream of Westbrook before Gambo. With passage scheduled to be in place at Westbrook by 2024 plus, perhaps, another two-four years for passage or removal at each of the next two dams best case scenario; it will be 2032 before fish are below Gambo. This is 21 years before the newly approved Sappi license allows continued fish passage at Gambo and Dundee. The only time this DEP Order could have been appealed was within 40 days of issuance. Agencies and NGO's that know better signed the Presumpscot/Sebago watershed death warrant. It kills us to walk away from this.



they did in the 1880's when all dams last had amended license, the parties sacrificed most of Without access to good spawning there is no stocks will once again thrive or possibly even considered a keystone species, providing food stocks will be directly affected by the fate of

DEP is delegated to certify dischargers (Sappi) ing that "designated uses" are actually present

MEANWHILE IN THE UPPER REACHES OF THE KENNEBEC RIVER BASIN, A TRUE STORY . . .

THE MOUSE

“Fifteen two, fifteen four, fifteen six, and the wrong jack makes....six,” I lay my cards on the table and take my points. Thunder rolls off the mountains outside the cabin. The western sky, a bruised dark purple. It’s going to storm. We’ve lit the lamps on the table to cast off the interior gloom.

Chip counts his hand silently then lays it on the red and white checked table cloth. “I got three.”

“Hey, that’s good for you! Better than average!” Paul says.

“I had crappy cards,” Chip complains.

“In cribbage every hand’s a winner. I’ve got a double run for eight,” Paul lays his hand down and pegs eight on the board. He grabs the crib and pegs another three. Chip and I groan. A high pitched whisper begins to seep inside the cabin. The pines outside the cabin sigh in the wind. The whisper grows in earnest. I stand for a moment while Chip collects the cards, shuffles and deals. I can hear the rain coming from the West. Close now. Louder thunder. We start the new hand.

“Four. Let’s see you make fifteen out of that.”

“Fourteen.”

Chip ponders his card choices for a moment. The whisper has gone to a pronounced “hissSSS” outside. No rain yet but getting here fast now.

“You’re still playing right? Ten or less.”

“Shut up, I’m thinking.”

“Don’t hurt yourself. We know you don’t have an ace. Hurry up. It’s nap time.”

Fat drops of rain hit the roof in a pine needle muted staccato. The pond fills with rain drop rings. Play pauses while we watch the storm blossom over the cabin. The rain is pounding down, falling off the eaves in sheets.

“Twenty three,” Chip tosses a nine.

I toss a seven on the table. “Thirty” I say, and reach for the board. That’s when I see it. A mouse. Still as stone, sitting on its haunches in front of the oil lamp. Only a twitch of whiskers proves it’s alive. My hand is paused over the board inches from the mouse. The mouse doesn’t move.

“Is it a go?” I ask. Two nods and I take my point. My brothers have not seen the mouse yet. “Don’t scare Mr. Jingles,” I say and they both see it.

“I wonder if it’s O.K.?” I can see the mouse is missing a piece of its right ear.

“It will feel much better when it’s outside,” Chip slowly reaches for the mouse. The mouse doesn’t move. Chip picks it by the tail. It dangles, legs outstretched, and tries to reach up to its tail. He’s about to toss it when Paul protests.

“Just set it out there. Don’t throw it. Be bad Karma....especially for your cribbage game. That mouse was watching the game,” Paul says.

Chip hunches down the steps in the pouring rain and sets the mouse beneath a huge pine across the camp yard. He rushes back in just as a huge blast of light and thunder leaves us stunned.

"Holy Mother of BALDHEADED! That was close!" Chip shrieks as he leaps up the camp steps. We laugh as Chip sits down, spins, and looks back out the camp door. His shoulders, head and back are soaked. Late summer thunderstorms in the Western mountains of Maine can be brutal. This one was no exception. The pines heave in the wind. Even the rain is loud, sheets of it pounding across the pond. More flashes of light and roaring. There won't be any fishing for a while. We get back to the game.

"Paul, your throw." He tosses a six on the checked cloth. Chips eyes dart back and forth between his hand and the six from Paul. I lean forward expecting some pegging action. I have a six, a seven, an eight and five. Chip is watching me like a hawk. These cribbage games are rare events. Winning is bragging rights to the "All Camp Invitational World Cribbage Championship". His throw may be the end of his game. I know he has a six. I can feel it.

"Go ahead, throw that six you got and take your two pathetic points." I grasp my six by the corner and slide it out of my hand in preparation for my pegging coup. Now Paul is leaning forward slightly. A tell. He may have a six too. This is becoming a really dangerous game. Treachery is in the air. The camp yard is nearly black now. The storm only intensifies. Chip groans with dread. He has a card ready to toss.

"I'm dying of anticipa....." Paul's sentence dies in his mouth as he stares at the mouse. It sits on its haunches in front of the oil lamp. In the exact same spot. The exact same piece of ear is missing. There is one difference though. This mouse is soaked.

"Well, this is really bad karma for your game I'd say." We all stare at the mouse. Chips card is poised mid toss. We can't take our eyes off the mouse. A tiny trail of glistening wet mouse tracks leads to it. It's only been a minute since it was placed at the base of the pine. None of us saw it come back but back it was. Perfectly still.

"I think the mouse really wants to watch the game. Probably cold now that you've tried to drown it in a deluge." The mouse moves now. It licks its fur trying to dry itself out. The mouse pays us no mind as it preens away inches from the cribbage board. I reach for a bag of peanut M&M's and grab one out.

"Here you go, Mr. Jingles. Sorry about the whole 'throw you out in the rain' bit." I place the M&M right in front of the mouse. It pauses preening to watch the M&M land at its feet. The mouse leans forward and grasps the blue M&M in its front paws like a child holding a beach ball. It licks and chews it vigorously.

"Twelve for two," Chip takes his points. The mouse pauses eating as Chip pegs.

I know this is going to be the end of the game but I cannot resist. "Eighteen for six." I take my points on the board and the mouse watches my hands closely. As I sit back the mouse turns to face Paul. Paul sits there grinning as he tosses his six on the table.

"Twenty four for twelve and the game. I am the World Cribbage Champion!" Chip and I howl with protest. The mouse and M&M is gone. Only a small wet spot in front of the oil lamp remains.

Nate Gray



MAINE VOICES: STATE COULD MAGNIFY ITS ALLURE BY REMOVING MORE DAMS FROM ITS RIVERS

— Special to the Press Herald 8/16/2018

<https://www.pressherald.com/2018/08/16/maine-voices-state-could-magnify-its-allure-by-removing-more-dams-from-its-rivers/>

Losing a bit of hydropower in order to allow fish migrations and boost outdoor tourism is easily worth the trade-off. On any summer weekend, Interstate 95 north is clogged with cars and campers full of people from away – often from far away – excitedly anticipating their Maine vacations.

I've been one of them. Why do we endure these slogs to reach the Pine Tree State? Mostly it's for the outdoors: refreshing northerly breezes; clear indigo lakes; misty vistas viewed over rocky ocean shores; seaside lobster, and, yes, vast expanses of pine trees. But to this visitor there is one glaring void among these al fresco offerings: The state's rivers remain steadfastly shackled by the remnants of industry. Maine could greatly enhance its allure by setting more of its rivers free.

As a conservation biologist and as an angler, I have found that to drive around Maine is to notice dam after dam. Many were built to control flows for log drives and were later retrofitted for hydropower. Maine has more than a thousand dams, of which 240 generate electricity. These dams have a total capacity of 726 megawatts, for a low average of 3 megawatts per dam. But three-quarters of Maine's hydropower comes from the state's 24 largest dams, meaning that many of the remainder generate slight amounts of electricity.

Hydropower dams are not environmentally clean, as so long touted by the hydro industry. Most notably, hydropower dams block the spawning migrations of important fish such as Atlantic salmon, shad, river herring and sturgeon. The effect of these barriers on fish populations has been devastating. Some 80 percent of the state's river habitat has been cut off by dams, causing declines in fish runs of as much as six orders of magnitude.

The loss of juvenile river herring that would leave their home rivers to enter the sea was one of the chief causes of the demise of Maine's inshore cod stocks. And the Kennebec once provided harvests of salmon of up to 30,000 per year. Today, annual returns of salmon to the river are usually no more than two dozen – despite heavy stocking.

Dam removals are the most effective solution to restoring rivers, and Maine has had a few noteworthy successes. When the Edwards Dam in Augusta was breached in 1999, it reopened 17 miles of the main-stem Kennebec, quickly hosting migratory species for the first time in 172 years. It also allowed river herring to once again reach the tributary Sebasticook River. In a few years the Sebasticook's river herring run rocketed from zero to 3 million, (actually *6 million*, ed.) inspiring an annual Herring Festival in Benton.

But so much more could be done. Recently I visited the Mousam River in Kennebunk, a small watershed shackled with 14 dams. A few relic shad and modest numbers of river herring clustered below the first barrier, Kessen Dam, blocked from reaching their primordial spawning reaches. Not far upriver are two more hydropower dams. The three combined produce only 0.6 megawatts – a mere 1 percent of local energy needs. This is a quantity so meager that it could easily be exceeded with a small solar farm or even a local energy conservation initiative tied to "saving our river."

The Mousam's dams lack fish ladders, but they are not the answer to restoring the river's fish runs because these engineered devices would require much of its flow to function properly, leaving even less water to drive the turbines. Yet, if reopened, the otherwise healthy Mousam could see shad numbers exceeding 50,000 and river herring of more than a half million while likely also becoming the best sea-run trout river in Maine. Likewise, the Edwards Dam removal was only a beginning on the Kennebec, a huge watershed with enormous ecological potential but one that is blocked by one dam after another from Waterville to Skowhegan and beyond.

Maine's tourism industry is inextricably tied to a healthy environment. And rivers are an integral, flagship part of any landscape, a touchstone for purity and wildness. Salmon fishermen traveled far and wide to have a chance to land the catch of a lifetime in the Penobscot when it still had a fishable run. Likewise, other rivers full of shad, striped bass and maybe even salmon would be an economic boon from visiting anglers. With alternative energy offering a ready replacement for modest amounts of hydropower, there is manifest opportunity to help make Maine's environment whole again.

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!

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Membership Levels

- \$1,000+ Sturgeon
- \$750 American Eel
- \$500 Wild Salmon

- \$250 Striped Bass
- \$100 Shad
- \$50 Alewife

- \$20 Smelt
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- Renewal
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- Send information about volunteer opportunities
- I would like a sticker

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



Thanks to Will Zell and Zellous.org for newsletter layout.

MAINE VOICES (CONTINUED)

Maine's tourism website invites vacationers to "get inspired." On another recent trip to Maine, I stopped at a park in Gardiner overlooking the Kennebec. A bald eagle was busy scanning the waters. Suddenly it wheeled, plunged and snatched a shad from the river, a regal act that could only have occurred there with the opening downriver (actually *upriver*, ed.) of the Edwards Dam. I felt inspired.

John Waldman is a conservation biologist and a professor of biology at Queens College in New York.

Here are some words of wisdom, courtesy of Roger Wheeler, from an 1879 Bridgton News, applicable today:

"Every river that roars over a mill dam, and every little brook which giggles down a hillside, is laughing at us for our short-sightedness in destroying our inland fisheries and the consequent failure of our coast fisheries."



Friends of Merrymeeting Bay
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Dresden Falls Dig

Early October brought the start of a much anticipated 2 week archaeology dig at the Dresden Falls site FOMB protected some years ago. This was a cooperative venture between Maine Historic Preservation Commission (MHPC) personnel and a cadre of FOMB volunteers. Last year's Ground Penetrating Radar (GPR) survey indicated the possibility of an underground historical foundation in the vicinity of a revolutionary war vintage mapped building site on the hill top and 3-4 meter circular features (likely prehistoric tent floors) on the site's lower portion.

One major goal of the dig was to ground truth GPR findings. Unfortunately while some historic artifacts were found in various locations on top of the hill, the "foundation" proved to be alternating organic and mineral soil lines from plow scars. Prehistoric debitage (mostly flake remnants from stone tool making) were found on the hill top and down below at the "dwelling site." Unfortunately, while a number of diffuse small organic features were uncovered at this likely dwelling site, there was no sign of distinct circular features interpreted from the GPR data. Prehistoric charcoal and bone were uncovered in this area and it will be interesting what we learn as these are identified to species andage.

Special thanks to the Merrymeeting Bay Trust and MHPC for funding, to The Archaeological Conservancy for permission to conduct research on what is now their land and to Tom Walling, volunteer coordinator.

Huge thanks to the following participants:

Art Spiess, Bill Burgess, Leith Smith, John Mosher, Rachael Newbert, Megan Theriault, Eric Lahti, Ed Friedman, Steve Eagles, Nate Gray, Doug Watts, Ned Baxter, Susan Chase, Tom Walling, Terri Blen Parker, Orman Hines, Bob Weggel, Richard Matel-Galatis, Kathy Bridge, Anita Wingert, Kathy Goddu, Eric Zeise, Dina Blodgett, Sandra Smith, Jamie Wise, Kent Cooper and Dianna Dietrich.