

The MERRYMEETING NEWS



Winter 2008 Volume XIV No 1

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

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

Member Events

Research & Advocacy

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

www.friendsofmerrymeetingbay.org

The Merrymeeting News is published seasonally by Friends of Merrymeeting Bay (FOMB) and is sent to FOMB members and other friends of the Bay

for information call:
Ed Friedman, Chair,
666-3372



From the Chair

2007 was perhaps a watershed year for FOMB as we stepped for the first time into court to uphold existing laws crafted for the protection of our fish and rivers. Laws that are not being enforced. Small laws, like the Clean Water Act and Maine Water Quality statutes. Using a multi-pronged approach, legislative, administrative and legal we are persevering like migrating elvers, in our work to see safe and effective fish passage around dams become the rule rather than the exception. Without access to spawning habitat, there will be no more fish.

A partner of ours, Kerry Hardy formerly of the Merryspring Nature Center in Rockport used the hopeful term "Perfect Storm" to optimistically describe what may be building as Mainers become increasingly frustrated while river by river, fish restoration efforts fail or are finally seen as inadequate, or mired in controversy. By and large, restoration timetables are hopelessly unacceptable since in the lengthy years allowed for implementation [5-50] multiple species will likely be extirpated, at least in the affected rivers. Policy and practice in this field is perhaps best described by the familiar phrase: "the Emperor has no clothes."

Even in the lower courts we are witnessing a ceding of power to the executive branch and so as many of you may recall, FOMB is headed to the Maine Supreme Judicial Court to protect the right granted in statute and by Rule, of "any person to appeal an agency decision to Superior Court." From fish, to due process, and hopefully back again. As we enter 2008, helping our legal efforts in various ways will be the Forest Ecology Network, Peace Action Maine, Penobscot Bay Watch, Friends of Sebago Lake and the Maine Civil Liberties Union. A key partner in our efforts is Douglas Watts of Augusta and making it possible along with members and grantors, our attorneys Dave Nicholas and Bruce Merrill.

As in past years our education program has been successful, reaching in 2007, approximately 750 people in formal presentations. Ages have ranged from elementary school to those attending Senior College. We have reached hundreds more in various community outreach opportunities from the Bay area up to Augusta. Often times attendees get their first real exposure to some of the issues we deal with and get an opportunity to act-perhaps as a new member, perhaps just in one area-sending an eel postcard to the Governor or learning about land conservation options.

Our largest research project, the ongoing study of circulation patterns in the Bay progressed only marginally in 2007 as time and tides conspired against us in our efforts to gather data during high flows. We got on the water once and found that at least on a smaller tributary [the Cathance] that high flows did not appear to change dramatically the slow speed at which water flows move through the system. This

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National Partner in Kennebec Salmon Suit

The well-known national environmental organization Center for Biological Diversity [CBD] is partnering with FOMB, Maine Toxics Action Coalition and Douglas and Tim Watts to hold the Departments of Commerce [NOAA Fisheries] and Interior [USFWS] accountable for a decision to list the Kennebec population of Atlantic salmon as endangered. FOMB with our original partners co-filed a citizen's Endangered Species Act petition [authored by Doug Watts] in May of 2005 to list these salmon under the ESA. A federal biological review of Atlantic salmon supports our original petition but the feds are nearly three years over-due in making a decision. Our filed 60-day notice of intent to sue puts the feds on notice and may provide some incentive to settle with us on a near future date-certain for a decision. Our letter comes after years of patience and meeting with state and federal officials.

FOMB Takes Stand for Watershed, Against Plum Creek

At our February Steering Committee meeting your Board discussed the proposed Plum Creek development for the Kennebec headwaters area around Moosehead Lake. We decided to oppose it as being far out of scale for an area that provides critical habitat for a variety of wildlife including the Canadian Lynx and wolves that may be migrating back to Maine from Canada. Most importantly, Board members felt strongly that true to nature, bad things do flow downstream and here we are. We are dealing with critical fish restoration efforts on the Kennebec and a failing Gulf of Maine fishery. A large upstream development will not affect these issues in a positive way.

Plum Creek has been known for years as one of the worst players in the forestry/real estate business. This is their first foray into the northeast and the largest development ever planned in Maine. While much land would receive some protection under conservation easements, the only thing those easements seem to prohibit is residential development. The proposed plan does call for zoning in this area of unorganized territories. While we disapprove of the plan and the applicant, we also find that "death by a thousand cuts"; the allowance for zoning-free sprawl fragmenting the north woods slowly [as things currently stand] is no acceptable substitute. Fortunately there are a number of more local groups like the Native Forest Network and Forest Ecology

Network who seem committed to working out some better long range planning for the area that benefits both wildlife and local economies.

Spring Volunteers Needed

Spring Bay Day is around the corner. Scheduled for Tuesday May 20th at Chop Point School we welcome volunteers to lead groups of 4th and 5th graders in a few hands on environmental education workshops. If you have a skill you can share or would just like to help herd kids having a great time in a beautiful location, we would love your help. Please contact Kathleen McGee at 666-3598 or kmcgee@zwi.net. And yes, there is the elusive free [and good] lunch!

FOMB Executive Coordinator/Organizer Wanted

John Eder, our EXCO for part of 2007 has moved on to work finding medical care for kids injured in the Iraq war. FOMB is again looking for a talented staff person, passionate about the Bay and our work, to take on this full-time position. Job details can be found on our web site at www.friendsofmerrymeetingbay.org

Our Condolences

Long-time member Peter Robohm of Bath died February 28th from a cerebral hemorrhage suffered on February 22. Peter was 68 and a tremendously active and vital participant and leader in regional and local communities. He chaired both the Bath Transportation Commission and the steering committee of the Gateway 1 Project. He also spearheaded the restoration of the historic Bath Railroad Station and helped out FOMB a number of times in all of his spare time. Peter used to coordinate the Mid-Coast Senior College programs [or at least some of them] and invited FOMB to present at field and class sessions in their popular Kennebec courses, a tradition that continues. Our deepest sympathies go to his wife Sharon and their family.

"God has cared for these trees, saved them from drought, disease, avalanches, and a thousand tempests and floods. But he cannot save them from fools" John Muir

FOMB 2007 Accomplishments

Media

Print: Approximately 15 print articles:
Education, DEP Enforcement, Atlantic Salmon
Endangered Species Petition, Fish Restoration,
American Eel Kills, Circulation Study,
Outings, Sludge, Chops Hydro Proposal
Television: Local Cable [Harpwell]: Merrymeeting
Bay, eels
Radio: Maine Public Radio & WMPG: American eel-
safe passage

Volunteers

Minimum 3500 volunteer hours [438 days]
120 volunteers

Membership

430 members
Speaker Series - 240 people
Outside 2007 [Paddle Series & Walks -128 people]
Newsletters – 3
Shoreline Cleanup-6 people-1200 pounds

Grants

\$30,000: staffing, eels, general operating support

Funds Leveraged

\$1,250,000 [land acquisition]

Outreach Presentations

Androscoggin Source to the Sea Trek
DMR Spring Running, Augusta
Cathance Day
Patagonia Outlet
F.W. Horch, Brunswick
Celebrate Bowdoinham

Education

Two Bay Days [316 students]
Hall-Dale on the Bay [80 students]
Mid-Coast Senior College Kennebec Course-[30
students]
School Visits-12 [347] students
Critter Visits-23 [736 students and adults]
Web site updates-extensive additions to Cybrary &
Friends of Merrymeeting Bay links

Conservation and Stewardship

Total Protected – 130 acres transferred to state. 1900'
Kennebec R., 2,600' inland wetland in Woolwich
Three conservation easements in process-Topsham-
Cathance & Androscoggin, Richmond
Stewardship- All easements monitored

Research

Thwings Pt. Archaeological Dig
Began third phase of Circulation Study
Completed final report of Caged Mussel Endocrine
Disrupter Study
Assisted MDIF&W with bald eagle breeding surveys
Water Quality Monitoring – 18 Standard & 6 Fecal
Coliform sites

Advocacy (postings, letters, testimony, etc)

Merrymeeting Bay Wildlife Sanctuary Signs
Land for Maine's Future Bond
American Eel Protection-Endangered Species Act
Comments, BEP Petition
Kennebec Atlantic Salmon ESA
Fish Consumption Advisories
Introduced Safe Fish Passage Bill
Introduced Clarification of Right to Appeal Bill
Adjudicated BEP Hearing on Kennebec Petition
Superior Court Appeals of BEP decisions
Brunswick Aquifer Protection Zone-Sludge Spreading
Land Conservation Donor Tax Changes-US Senate &
House

Primary Partners

The Nature Conservancy
Bowdoin College Environmental Studies
Department of Environmental Protection
Department of Inland Fisheries and Wildlife
US Fish and Wildlife Service
Maine Natural Areas Program
Department of Marine Resources
Friends of Casco Bay
Maine Toxics Action Coalition
Applied Biomonitoring
Maine Historic Preservation Comm.
Maine Coast Heritage Trust
Maine Wetlands Protection Coalition
Patagonia Outlet, Freeport
Land Trust Alliance
Maine ECO
Friends of Kennebec Salmon
Mid-Coast Senior College
Brunswick Pesticide Watch
SAD 75

RAVEN HIDES THE SUN

Raven felt terrible. It was the longest night of the year, and he'd stayed up late with raucous companions. Cawing old songs until his throat was sore. Drinking intemperately. Laughing fit to rouse the roosters. Raven's white feathers, which he was so proud of, were all soiled and stained. (Now you must remember this was back in the Early Days, when Raven had *white* feathers.) Well, here it was, well on in the wee hours and Raven was flapping around in the night woods trying to find a comfortable place to perch.

It was dark as Toby's arse and Raven kept flying into obstacles. He was muttering to himself about the careless habits of trees, and their blasted urge to clutter up the airspace, and his feet were hot, and hurt where he'd been stamping them to keep time. He was thinking how nice and cool it was to drag them along in his slipstream when..

BANG – he smacked into another blamed over-reaching pine bough, careened into a nasty thicket of juvenile fir, and came crashing down into a tangle of brambles.

“GROCK,” he shouted. Lying there on the frozen ground, feathers all askew, Raven could hear the spruces creaking in the breeze, and (way off) the howling of Mother Coyote calling her kinfolk home to early breakfast. Raven was all alone in the dark, frigid and miserable.

“That's it,” Raven mumbled. “No more reach out and trip you woods. No more tangle vines. No more yapping yahoos. I'm outta here.” So Raven flew up to the very tip-most peak of the utmost rock at the very top of the cliff at the Edge of the World.

“CRONK,” but it was bitter up there, with the night wind keening in the rocks, and the indifferent stars. And Raven started feeling even sorrier for himself. It was too blessed cold to sleep, and he

hopped from one foot to the other, punctuating his jig with croaks and gripes.

“Why me?” he moaned. “The whole world is against me.” Raven shook his wings and shivered all his feathers angrily as he stamped. “Did I ever peck at the trees. NO! Did I every slash at the vines? NO! Did I ever laugh at the winds? NO! But here they all are, beating up on ME! O poor me.”

Raven tried to hide his head under one wing, but it was still too raw and nasty to sleep. The hour *was* getting late, however, and the Night Wind began to sigh more gently. Raven could feel the chill settling down into the valleys, flowing down along the watersheds, as the air stilled. He stopped jiggling back and forth. Raven's head was nodding, and his eyes slowly closing.

But out there in the absolute stillness at the very Edge of the World a tiny scintilla of light began to peek out from under the covers of night – and it caught Raven's eye.

Raven wasn't sure if he was dreaming. It was such a fascinating thing, this speck of brightness. Now Raven loves a pretty bauble, and he has many a treasure trove of stolen shininesses.

“This is just what I need,” Raven muttered to himself. “I deserve a nice little sparkly treat, after all the cruel nastiness everyone has shown me tonight.” But he was too stiff and sore and sleepy to bother.

Even so, just as Raven's eyelids closed, his spirit awoke in the Dreamtime, and began putting on his cloak of many feathers. Raven was particularly proud of his magic dream cloak, the way its white feathers glittered in the darkness, and he strutted about, admiring his glistening self over his shoulders. Then he remembered that shiny spark.

Raven spoke an incantation to his cloak, and it lifted him up into the air. And Raven glided down the sky to the very Edge of the World.

The tiniest dazzle of Dawn was just squeezing itself out into the open when Raven swooped down and swept it up under his wing.

“**GROK. GROK,**” Raven crowed delightedly, and he sneaked back to his perch on the cliff overlooking the Edge of the World, checking furtively over both shoulders to see no one was watching.

“There,” he chuckled. “Now I have something nice to reward me for being so special.” Raven wrapped himself up in his magic cloak, with the Morning under his wing. Raven slept.

Out in the World no daylight shone. The morning birds awoke, but there was no Sun to sing to. Early creatures heading for the day shift scratched their heads and wondered. The expectant trees began to droop. Raven slept.

In his dream Raven was all warm and toasty. The tiny sparkle had grown into a small fiery ball, and Raven’s cloak made a nice tent to hold the heat. Raven stretched out his sore and frozen feet to the warmth. Raven slept.

Out in the World the day people got up but there was no day. Folks started murmuring and calling their relatives. Pretty soon everyone was yammering

about “What about?”, and “What’s happening?”, and “What if?” And the sound of all that clamor rumbled around and around until it echoed in the rocks of the cliff at the very Edge of the World. Raven Slept.

Even the Dream Raven was well and truly sound asleep now. Warm and comfy. He didn’t smell the thin stench of smoldering feathers pluming out from under his cloak. Didn’t feel where the brightness was biting his side. Raven Slept.

Then the mutterings of the World got louder and louder. Raven stirred and grumbled in his sleep, ruffled his feathers. Just enough to set the whole works aflame.

POOF. Raven leapt up terrified, cast off his burning cloak, and danced around in a circle, squawking and stamping.

That pretty little bauble of light was no longer a small fiery ball. It had grown into a blazing incandescence, big enough to light the World. When Raven threw off his cloak, the Sun

jumped into the Sky, and the Day dawned. All the creatures rejoiced, and the trees lifted up their branches to the Sun.

As for Raven, he had been scorched wicked, and all his feathers burned. Which is why Raven’s feathers are now black, and why he has such a miserable attitude.



Story & Sculpture: Bryce Muir

Reprinted from Local Myths with permission of the author.

www.brycemuir.com

From the Chair

(Con't from front pg)

makes sense if you consider the immense volume of water still retained in the Bay by the constriction of the Chops. The amount of inflow in each of the four small tributaries is still small in comparison and is prevented from flowing out rapidly by the "dam" of high water in the Bay. Finishing this project is a priority for 2008 but still subject to weather.

In cooperation with the Maine Historic Preservation Commission, the Department of Inland Fisheries and Wildlife and a couple of private landowners, we completed a successful Phase 1 archaeology survey on recently protected land in Woolwich. This Thwings Pt. parcel, one we initiated protection efforts, on was the site of the first European government in the Bay area. Digging sample pits near the existing dwelling, in a few other strategic spots and methodically along one half mile of shore, we did encounter evidence of 17th century activity and would like to go back and further explore this focus area.

Our dedicated band of water quality monitors have again braved all sorts of weather to monitor parameters such as dissolved oxygen, pH, turbidity, temperature and fecal coliform at over twenty sites. We are considering a proposal in 2008 to upgrade the water classification [a measure of quality] on the lower Androscoggin. Our data are the most extensive recorded to support such a proposal. We did this successfully on the Kennebec about five years ago. Once

upgraded, anti-degradation language in statute prohibits back sliding.

We have continued work on three conservation easements, two in Topsham moving slowly and one in Richmond that is moving along nicely. Most noteworthy, is the acquisition in fee by the State's Department of Inland Fisheries and Wildlife [IF&W] of about 130 acres in Woolwich [including 40 acres of tidal wetland]. This is land that FOMB began negotiations on several years ago and fills in an important gap in an approximately three mile section of protected land along the Bay. Thanks are due the Maine Chapter of the Nature Conservancy and the landowner for their important partnerships and to IF&W for completing negotiations.

FOMB is a membership organization and one that is the exceptional environmental organization in Maine dealing with multiple aspects and issues of the environment. We understand that education, land conservation, advocacy and research are all connected. Our membership, increased to about 430, helps make this so. Our 120 volunteers contributed approximately 3500 hours during the year to our success. You all deserve a big hand!

Many thanks to our Steering Committee, volunteers, and funders as we move into the future.

Respectfully Submitted,

Ed Friedman, Chair



FOMB keeping an eye on the Bay

Bowdoinham Community School Critter Visit



Atlantic sturgeon



Bobcat & Bluejay

2007 Treasurer's Report

During 2007 FOMB improved its overall financial position by realizing \$64K in revenue against \$53K of cash outlays. Overall liquid assets increased to approximately \$220K from \$206K a year ago. Of this amount, about \$60K is restricted to protect conservation easements or for projects tied to grants we have received. Most of our accounts earn at least some interest in local CD's, or mutual and money market funds through a social investment firm [Calvert].

FOMB received \$30K in new grants last year, representing 47% of total 2007 income. Membership dues, both renewals and new memberships brought in 24% of total income and other fund-raising efforts (primarily the Annual Appeal) accounted for 19%.

On the expense side, FOMB is clearly a results driven organization, with only 9% of out-of-pocket expenses going towards Membership & Fundraising (which includes the newsletter and postage for the annual appeal). This reinforces that the organization is not in the business of spending money to make money.

Driven by legal costs in our safe fish passage campaign, Research & Advocacy led all programs comprising 30% of total expenses. Payroll was the single largest piece of expenditures at 47%, although much of this could be re-classed into the programs that benefited from our employees, such as Bay Day and outreach initiatives.

As usual, we continue to excel at leveraging money elsewhere for land protection we initiated. In 2007, the state closed on about 130 acres in Woolwich [including 40 of tidal wetland in the Kennebec and 4500 feet of waterfront] that we began negotiations on a couple of years ago. Cost: about 1.25 million. Your dollars go further with us!

con't on last page

Friends of Merrymeeting Bay

Steering Committee

- Ed Friedman (Bowdoinham)..... Chair
Nate Gray (Freeport)..... Acting Secretary
Steve Musica (Richmond)
Pippa Stanley (Richmond)
Vance Stephenson (Wilmington, NC).... Treasurer
David Whittlesey (Bowdoinham)

Research and Advocacy

- Ed Friedman..... 666-3372

Water Quality Monitoring Coordinators

- Bill Milam..... 443-9738
Kermit Smyth..... 725-8420

Acting Executive Coordinator

- Kathleen McGee 666-3598
fomb@gwi.net

Thank you to David Hansen for designing this issue of Merrymeeting News and to all of our contributing writers.



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

MEMBERSHIP LEVELS

- Input boxes for membership levels: \$1,000+Sturgeon, \$750 American Eel, \$500 Wild Salmon, \$250 Striped Bass, \$100 Shad, \$50 Alewife, \$20 Smelt, \$_____ other

Name
RR# or Street Address
Town /State/Zip
Phone Email

\$7.00 enclosed for a copy of Conservation Options: A Guide for Maine Landowners. (\$5 for the book, \$2 for postage)

- Input boxes for Renewal, New Member, and Please send me information about volunteer opportunities

Friends of Merymeeting Bay
P.O. Box 233, Richmond, ME 04357
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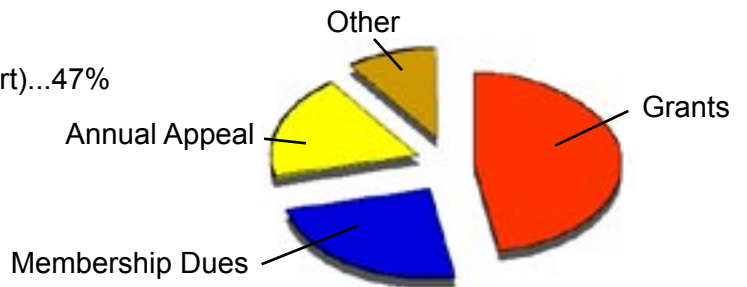


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2007 Treasurer's Report (con't)

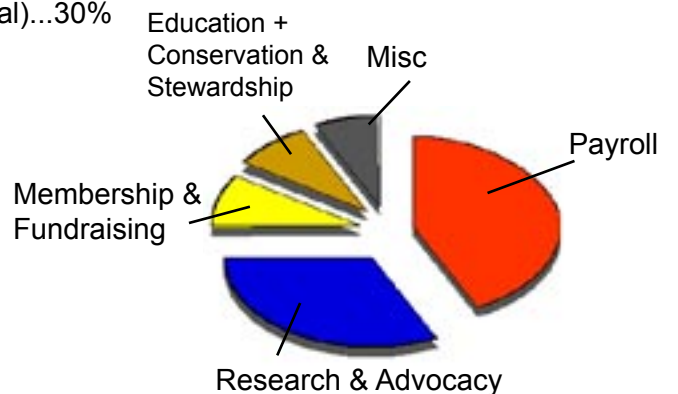
Income \$64,000

Grants (eels, general operating support, staff support)...47%
Membership Dues...24%
Annual Appeal, Donations, Sales & Events...19%
Other (primarily interest)...10%



Expenses \$53,000

Payroll...46%
Research & Advocacy (mostly safe fish and eel passage legal)...30%
Membership & Fundraising (includes newsletters)...9%
Education + Conservation & Stewardship...8%
Miscellaneous, administration...7%



Leveraged conservation funding: 1.25 million

Respectfully submitted,

Vance Stephenson, Treasurer