



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.

For more information, contact:

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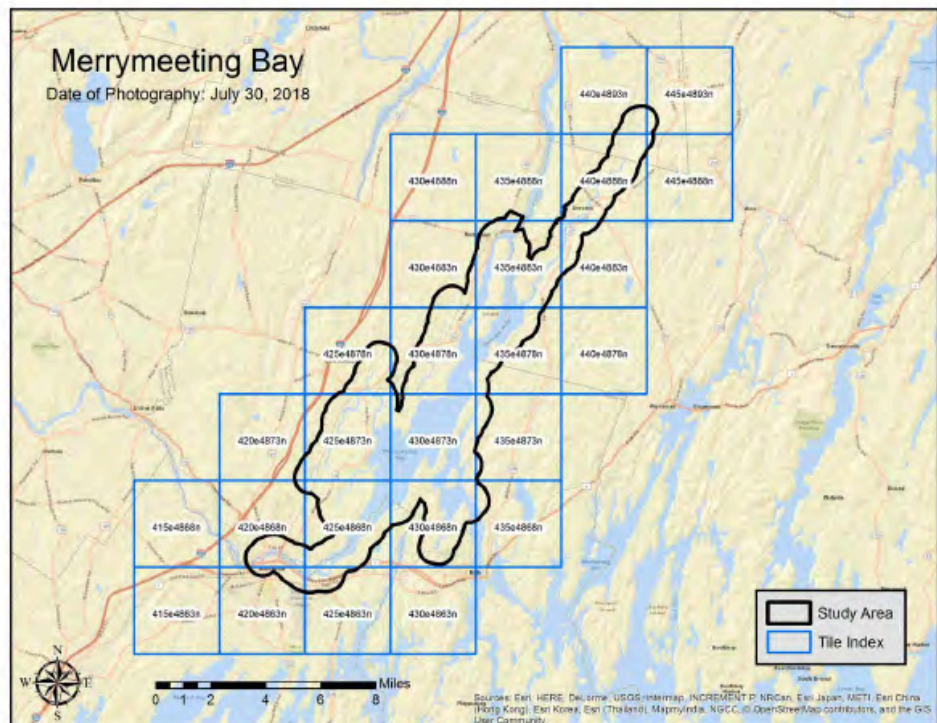


RESEARCH UPDATES

Merrymeeting Bay Aquatic Vegetation & Upland Habitat Assessment

At past intervals, FOMB has conducted a series of aquatic and upland habitat assessments of the Bay using historical and contemporary aerial photography and photo-interpretation combined with Geographic Information Systems (GIS) analyses. These studies, first of their kind, captured trends in the Bay and surrounding half-mile buffer area, with imagery from 1956, 1981, 1998, and most recently, 2008-2009. Updating this work provides important supporting data to study ecosystem recovery following passage of the 1972 Clean Water Act and documents changes to habitat in and around the Bay resulting from development and other pressures as well as natural succession.

Utilizing orthorectified aerial photography and Geographic Information Systems (GIS), we will conduct an analysis of trends for species, land cover types and development and use the resultant report and maps for outreach and education within our 9 Bay communities of 54,500 people. With the 2018 update, the resulting maps will illustrate more than 60 years of change: shifts in aquatic vegetation possibly suggestive of climate change and rising sea levels, growth in shoreland development, conversion of farmland to forestland, and more. FOMB will share the report and maps with our communities and incorporate the study into the elementary education programs we provide in the schools, and outdoors at our annual spring and fall Bay Days. While direct beneficiaries are mid-coastal Maine communities, indirectly through technology transfer and by example there are no geographic limits to additional regions that can profit from a similar project effort.



Study area image: James W. Sewall Company

RESEARCH UPDATES (CONTINUED)

Dresden Falls Archaeology

Beginning October 1st we will be conducting a two week dig at the Dresden Falls site having both prehistoric and historic components. This is considered the most important prehistoric site in Maine with evidence of a fishing camp here from 4500-9000 years ago and a Revolutionary War vintage structure shown on a chart from approximately 1772. The property was protected by FOMB and then donated to The Archaeological Conservancy. We believe buried features of both vintages have been detected last year using ground penetrating radar (GPR) in a survey funded by FOMB. The objectives of this year's dig will be to verify ground penetrating radar data and obtain data supporting an application to list the site on the National Historic Registry. The dig will be tightly controlled by the Maine Historic Preservation Commission (MHPC) and ratio of volunteers to MHPC staff will be kept at 1:1 with our volunteers mostly screening. Call Tom Walling at 666-5837 to participate



GPR: Andy Heller, Alice Kelley & Jacque Miller. Photo: Ed Friedman



DeBarre chart, circa 1772 (British Navy Survey)

BIRDS, MUSHROOMS, PADDLING, PLANTS & MORE!

FMB's Summer Outside! series continues to be popular. Bird sightings on Will Broussard's Bird Sounds walk included:

Osprey, Bald eagle, Broad-winged hawk, Turkey vulture, Great Crested Flycatcher, Towhee, White-throated sparrow, Song sparrow, Blue jay, Crow, Chickadee, Titmouse, Creeper, Red-breasted nuthatch, Gray catbird, Veery, Downy woodpecker, Flicker, Scarlet tanager, Mourning dove, Cedar waxwing, Bobolink, Red-eyed vireo, Blue-headed vireo, ovenbird, Pine warbler, Black-throated Green warbler, Yellowthroat, Prairie warbler, Chestnut-sided warbler, Yellow-rumped warbler, Northern Parula, Tree swallow, Barn swallow and Red-winged blackbird.

Thanks to trip leaders Will Broussard (birds), Warren Whitney (paddling), Justin Schlawin (mud plants), Michaeline Mulvey (mushrooms) & Jay Robbins (Swan Island)!!!!

HUNTING BENEDICT ARNOLD'S GOLD

One time while passing through the Quebec town of Lac Megantic, I was told of a fascinating article that had been recently published there regarding Benedict Arnold's buried gold! The author claimed that while Arnold and his small American army passed through that area on their way to capture the citadel of Quebec, Arnold had decided to bury a cache of gold to protect it from capture by the British. Over time, stories had arisen that his army was carrying a vast horde of gold to use in persuading the Canadians to join the Revolution. This tale had evolved to the point where some speculated as to where the treasure was buried.

This kind of legend is not unusual in history. It has popped up time and again. Remember the pervasive story regarding Blackbeard's golden treasure that was to have been lost near the site of his wrecked ship, the Whydah on Cape Cod. Treasure hunters still spend summers hunting for his treasure.

Then there is the story of the lost treasure on Oak Island, near Halifax, NS. It developed in the early part of the 20th century when it was discovered that a rope burn on a tree limb which hung over a deep, mysterious well. The well was a labyrinth of very sophisticated construction and contained designed traps, indicating that something of great value lay below. Over many years, various attempts have been made to unearth the presumed treasure. Throughout our country, similar legends of lost treasure have evolved.

In the case of the 1775 Revolutionary War's Quebec expedition there is a treasure story which has a strong element of truth to it. But it is quite different from a tale of buried bags of gold. Following is that story; undoubtedly the source of the exaggerated tale of Arnold's buried gold.

The context of the story begins in August and early September of 1775. Gen. Washington, Arnold and other key officers were devising a two pronged attack on Canada to bring that Province into the Revolutionary War on the side of the Americans. Arnold was assigned the command of a small American army that was to secretly attack Quebec City, then the British capitol of Canada. It was to be a backdoor surprise attack via an ascent of the Kennebec River, through the wild Border Mountain and down the Chaudière River to the St. Lawrence. About 1100 soldiers would comprise the expedition beginning at Cambridge, Massachusetts, which at that time was the headquarters of the American army.

In order to support the army while in Canada, hard currency (coinage) was required. One should remember this moment was only four months after Lexington and Concord, and that an official government would not be formed until the signing of the Declaration of Independence, ten months later. So there was no such thing as paper money, certainly none that the suspicious Canadians would accept. In the aftermath of Lexington and Concord, most of the rich gentry, who were labeled loyalists, had fled into Boston to the protection of the British army. Any portable valuables including any coinage would have gone with them. Thus there was little to be confiscated by the fledgling rebels. So the various local "Committees of Safety" supporting the army had a difficult time scraping up hard cash to sustain the 15,000 American troops besieging Boston.

Somehow, this was barely accomplished and a portion of the collected coinage was allocated for the Quebec Expedition. This consisted of various denominations of British, French, Spanish, Portuguese and a variety of other coinage. Undoubtedly there was some gold coinage, but doubtful there were bags and bags of gold doubloons. Records have been lost to know how much was allocated for the expedition. Its total value and weight are unknown. Most likely it was not a large amount, but would have been stored in either a wooden keg or a heavily constructed wooden box. It is also possible that other gold and silver items of value could also have been included.

On or about Sept. 15th, 1775, the "treasure keg" was sent overland to Newburyport as Boston was in British hands. From there it went onboard one of the 11 small schooners that would carry the army along the coast then up the Kennebec River. At the Colburn shipyard it was offloaded into one of the bateau and rowed upriver to Ft. Western, the staging area for the expedition. There were 220 bateau and we do not know who oversaw the cash keg (s). It most likely was included in either the second or third of the four divisions (Greene or Meigs)..

At this point we must introduce two additional players to this saga. They were scouts, the Getchell brothers who joined the army while at Ft. Western. They were natives of Vassalboro, the next settlement north of Fort Western. They proved to be knowledgeable woodsmen and knew the route of the expedition, at least as far as the Chain of Ponds near the Boundary Mountains (the present Canadian boundary). Captain Colburn had recently sent them on a scouting trip upriver and they had just returned.

We must interject here that much of the following information regarding the Getchell brothers has been researched by one Frank Getchell who is a direct descendant of the brothers. He is a family historian and for many years operated a local store in Vassalboro at Getchell's Corner. It is with his permission that we include his research.

ARNOLD'S GOLD (CONTINUED)

After striking north with the army, they proceeded up the arduous ascent of the Kennebec, across the Great Carrying Place, then up the not so Dead River. On October 19th the struggling army, already low on rations, was hit by a late fall hurricane, the rain lasting five days. It transformed the normally serene upland Dead River into a raging torrent at flood stage. The men even ended up pushing the bateau through the flooded trees along the banks of the river.

The scene shifts upstream on the North Branch of the Dead to one of its many falls, at Shadagee.

Below these falls even today, there is a narrow, steep-walled canyon which was then at flood stage. It proved to be quite daunting. A line of seven bateau were being roped and poled against this powerful current by the struggling boat crews. Without warning the lead bateau lost control, turned broadside and like a row of bowling pins, capsized each of the trailing bateau, spilling men and contents into the raging flood. All the precious food, supplies, oars, paddles, poles and men were swept rapidly downstream in the freezing water. All the wooden items were strung out for miles. The bateau were wrecked into kindling. However, the keg of cash must have rolled along the bottom until snagged at some point downstream. Because of its weight, it remained submerged.

Miraculously no men were drowned and they were fished out wet, bedraggled and next to death. Plus all their personal belongings, and crucially there muskets lay at the bottom of the river. Fires were immediately built to prevent the freezing men from hypothermia and death. The march was halted as it was late and a soggy camp was made near the falls. This event was prominently described in the journals of some of the men. The site was appropriately named Camp Disaster.



Unfortunately, by the time Arnold's chest washed up in Merrymeeting Bay, it was empty!

The Getchell brothers may have observed the disaster. It most certainly would have been the main topic of conversation around the warming and drying fires that night. Even though the loss of the money keg and its capacity to buy food in Canada may have been discussed, the immediate need for food, and its loss in the flooded river, undoubtedly was of much greater importance that night. They had been on 3/4 rations for about two weeks so food undoubtedly was always their prime concern. The next day, the expedition resumed its way upstream towards the Chain of Ponds and on to Quebec.

The involvement of the Getchell brothers during the remainder of the march is not known. It is unlikely they knew the route beyond the -

Boundary Mountains. Nor is there any record that they participated in the December 31st attack on Quebec. It is also not known when and where they left the army. The next record of their activities was that they were at home in Vassalboro the following spring of 1776. It is not known when they arrived there.

Although they accompanied the expedition, they may not have been officially on the army's roster. Also it is unclear who was to pay them, the army or Capt. Colburn. The latter was the person who hired them to do the initial scouting of the route. Nor was Colburn ever paid for his accompanying the expedition with his crew of repairmen, who stayed with the army as far as the Great Carrying Place.

As a result of Frank Getchell's research, it is known that in early summer, after the spring runoff reduced river levels, the two brothers disappeared into the wilds for more than a month. Could it be that during the long winter they decided to return to the Dead River and hunt for the lost money keg? This certainly would be a way to get paid for their services!

They returned home later in the summer and did not divulge where they had gone (just a little hunting trip!). After returning, they carefully and quietly began to purchase land in Vassalboro and the surrounding area. This was continued during the next few years. It is curious as to where the wherewithal for these purchases came from.

One of the legal quirks of that era was that the type and amount of remuneration was recorded on the registered deed transfers. In many cases it was because the value of the payment was often in goods rather than money. Mr. Getchell has examined a number of these deeds still retained. He found that the Getchell brothers paid for these purchased lands in hard currency. This was unusual for that time as there was little hard cash floating around. Paper currency came to the Province of Maine after the formation of the new government several years later. Hard currency in 1776 was still the "coin of the realm."

The brothers continued to pay coinage for new land for some time according to the research. One of the Getchell brothers eventually moved to the Orono area, settled and continued to purchase land in that area. Since this process was undertaken slowly, over time, and within the mostly private deeding process, there evidently were no suspicions that arose and few questions were raised.

It is likely that the keg of coinage on the bottom of the Dead River was recovered and eventually contributed to grow the economy of the Province of Maine. We will never know definitively as it falls into the category of one of history's mysteries. This is probably as close to the truth as we will ever know of the legend of "Benedict Arnold's Gold." The event reminds the author of the old schoolyard morality, "finders keepers; losers weepers."

Stephen Clark, Arnold Expedition Historical Society

This article is reprinted from the September, 2018 *Expedition Messenger*, *Newsletter of The Arnold Expedition Historical Society* with permission. The author, Stephen Clark will be presenting his program *The 1775 Quebec Expedition and Its Passage through Merrymeeting Bay* for FOMB at our Speaker Series presentation of November 14th at the Curtis Memorial Library in Brunswick.

NO MIGRATORY FISH ALLOWED -WESTBROOK'S GAIN, A LOSS TO THE WATERSHED & OUR NATION-

(What follows is probably the most egregious violation of the CWA we have seen with regard to fish passage.)

Background: Maine DEP v SD Warren

Section 401 of the Clean Water Act (CWA) requires entities discharging into rivers comply with state water quality standards. In 2003 SD Warren (SDW), owned by SAPPI* came before the Maine DEP and BEP in a relicensing proceeding and claimed they did not require State Water Quality Certification (WQC) at their Presumpscot River dams. The DEP and BEP disagreed and SDW appealed. The state's position was upheld in Maine Supreme Court in 2005 and SDW further appealed to the US Supreme Court (SCOTUS) which in 2006 ruled against SDW. The guts of the decisions were both that hydro dams are dischargers under the CWA subject to 401, and not only must water above dams be of sufficient quality for indigenous migratory fish species but the fish must actually be present, or a mechanism enacted to get them there (often a system of biological triggers to initiate fish passage installation or dam removal). There were many amici (friends of the court briefs) filed in the SCOTUS arguments, mostly on the side of Maine. These included briefs from Tribes, Anglers, NGO's, other States and Scientists (FOMB was a part of the NGO amicus).

Outcome on the Presumpscot:

WQC's were issued inclusive of biological triggers at each of the 8 dams on the 25 mile river between Casco Bay and Sebago Lake. Historically the Presumpscot had major runs of Atlantic salmon, river herring, American shad and American eel. Passage existed at all dams in the 1880's but does not now. Biological triggers mean when some number of a particular fish species are reached, upstream passage at the next dam must be installed.

NO MIGRATORY FISH (CONTINUED)

Today:

Fish passage was installed at Cumberland Mills, the lowest (and only non-hydro) dam on the Presumpscot in 2013. The SDW WQC required passage at the next dam, Saccarappa in Westbrook, two years after (2015) passage at Cumberland Mills. Two fish passage extensions have been granted SDW for Saccarappa. Compliance with their license is overdue. The SDW WQC for Saccarappa contains fish passage requirements and reopeners to ensure passage effectiveness. Between aging infrastructure and cost of passage, SDW has decided to remove the dam. There seems to be consensus that even with removal, some sort of artificial in-stream passage will need to be installed because of changes to the bedrock ledge in over 200 years of damming on the site. The existing license provides for this.

A few miles above this dam are two more, Mallison and Little Falls, and then again two more-Gambo and Dundee. Over 65% of fish habitat for the river (not including Sebago and its tributaries) is above Gambo. Both Gambo and Dundee have impoundments behind them (with homes alongside them). Over the last two years, two “conservation” groups, the Conservation Law Foundation (CLF) and Friends of Presumpscot River (FOPR) have met secretly with SDW and constructed a private Settlement Agreement whereby SDW agrees in conjunction with planned dam removal to provide enhanced fish passage (beyond that required in their license), give the Town of Westbrook some land and create a whitewater park. In a quid pro quo, CLF and FOPR agreed to a REMOVAL of ALL FISH PASSAGE REQUIREMENTS at GAMBO & DUNDEE for the length of their licenses and any extensions (so at least until 2053)-see Section 2.2 of Agreement. Also license extensions for Mallison and Little Falls (but triggers remain in place). The Agreement parties were successful in getting USFWS, Maine DMR and of course Westbrook to sign the Agreement which also contains gag language prohibiting signatories from speaking out against the agreement or taking future actions to secure better fish passage.

So, basically, despite a hard-won SCOTUS victory affecting fish passage at all U.S. hydro dams, these parties have decided rather than defending precedent, that the CWA and previous victory may be discarded when inconvenient. The Federal Energy Regulatory Commission (FERC) licenses all hydroelectric dams. FERC is awaiting the Maine DEP decision on SDW applications to modify existing WQC's for Mallison, Little Falls, Gambo and Dundee to incorporate changes proposed in the Settlement Agreement, now part of the SDW Surrender Application. As usual, state WQC language will be incorporated verbatim into the FERC license. On 9/11/18, despite extensive arguments by FOMB and Friends of Sebago Lake (FOSL), the DEP issued its Draft Order granting all modifications requested by SDW and their partners. We have five days to comment on the draft.

FOMB, FOSL and the Town of Standish (upstream of Westbrook) maintain: 1) Connecting the upstream WQC's to a downstream compliance issue around passage and dam surrender is irrelevant and needlessly encumbers the upstream dams and downstream dam removal, 2) Applications for modifications upstream are not ripe since it may be some time before enough fish are present at these dams to consider passage, 3) Application for modifications amounts to a rearguing of the 2003 case which should be prohibited by the res judicata doctrine, 4) There is no biological justification or change in circumstance to support the proposed upstream WQC changes, 5) Removal of fish passage constitutes a change in designated use for water quality classification purposes (impermissible without EPA review) and 6) If in fact more fish pass Saccarappa sooner and easier (as applicants claim they will with enhanced passage) then removal of upstream passage requirements would in fact be the opposite response necessary.

Consequences:

We believe the settlement agreement terms now incorporated into the Surrender Application and DEP application are designed to unencumber SDW's dam licenses of fish passage for ease of sale, and probably also protect owners of property on the two impoundments from the possibility eventual fish passage costs at Gambo and Dundee could result in dam removals and loss of waterfront pond access. If we don't fight this, the WQC amendments get approved. Since we are fighting it, a DEP approval of modification request means we appeal to either the BEP or Superior Court. If the DEP ultimately rejects these parts of the SDW applications, SDW appeals it. There is little doubt they are in a position to attempt a re-argument to a friendlier SCOTUS and this may be their goal.

Whatever the reasons, if the DEP agrees to modify the Gambo and Dundee WQC's we can throw out fish passage requirements under Section 401 of the CWA. Fish passage at hydro dams nationwide will become an option. Unfortunately many NGO's have a relationship with CLF and this has caused problems in finding both allied organizations and legal representation. CLF and FOPR created this problem by agreeing to these provisions, now the stakes are really high for future fish passage throughout the country.

FOMB and FOSL have retained Green Justice Legal to represent us in an appeal of the DEP Order. Green Justice is a group of independent public interest lawyers coming together to provide accessible legal support on various social justice issues and train future competent, ethical effective attorneys. <http://greenjusticelegal.org/about/#team>

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 (Kettering, OH)
 Tom Walling, Secretary (Bowdoinham)
 Simon Beirne (Bowdoinham)
 Becky Bowes (Brunswick)
 Phil Brzozowski (Pittston)
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 Tom Walling, Co-Chair, 666-5837

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Nate Gray, Chair, 446-8870

Research and Advocacy Committee

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

Membership Levels

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| <input type="checkbox"/> \$1,000+ Sturgeon | <input type="checkbox"/> \$250 Striped Bass | <input type="checkbox"/> \$20 Smelt |
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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 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.

NO MIGRATORY FISH (CONTINUED)

*Did you know most of Maine's major hydroelectric dams and utilities are owned by foreign corporations?

SAPPI-[South African Pulp & Paper Industry] (Presumpscot)
<https://www.sappi.com/about-sappi-southern-africa>

Brookfield [Brascan-Brazil/Canada] (Kennebec, Androscoggin, Penobscot, Saco, Union)
<https://www.theglobeandmail.com/report-on-business/whats-in-a-name-plenty-if-its-brascan/article1124065/>

Woodland Pulp [Charmwell Holdings Ltd., China], (St. Croix)
<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapid=90709232>

CMP [Iberdrola, Spain]
<https://www.iberdrola.com/about-us>

Emera Energy [(formerly Bangor Hydro), Canada]
<http://www.emeraenergy.com/en/home/company/about-us/default.aspx>

“An Act to Regulate the River and Interior Fisheries.” Ch. 80, §3. Approved March 12, 1869. Sect. 4 of this Act stated: “Every dam or other artificial obstruction in any river or stream naturally frequented by salmon, shad or alewives shall be provided by the owner or occupant thereof with a durable and efficient fishway, of such form and capacity and in such location as may be determined by the commissioner of fisheries or by any person authorized by him to do the same. It shall also be incumbent upon the owner or occupant to keep the fishway in repair and open and free from obstruction for the passage of fish during such times as may be prescribed by law.”

- From FOSL proffer of Evidence-Saccarappa file 7-6-18



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Winter Speaker Series 2018-2019

All talks 7:00pm at Curtis Memorial Library,
Brunswick, unless noted. Details at www.fomb.org

OCTOBER 10 Astronomy 101

Ron Thompson, Southern Maine Astronomers

NOVEMBER 14 Arnold's 1775 Quebec Expedition,

Stephen Clark, Arnold Expedition Historical Society

DECEMBER 12 Invasive Worms, Oh My!

Gary Fish, State Horticulturist, Dept. of ACF

JANUARY 09 Women of the Dawn

Bunny McBride, Author & Anthropologist

FOMB Annual Meeting & Potluck: 6:00pm, Public Welcome, Cram Alumni House, Bowdoin College • 83 Federal St., Brunswick

FEBRUARY 13 Cobbosseecontee: On the Edge of Restoration *Steve Brooke, Upstream*

MARCH 13 The Fascinating Life Cycle of Native Plants, *Heather McCargo, Exec. Director, Wild Seed Project*

APRIL 10 Dresden Falls-Kennebec Life 1776-9,000 Years *Art Spiess & Leith Smith, Prehistoric & Historic Archaeologists, Maine Historic Preservation Commission*

MAY 08 Wireless, Wildlife & You *Blake Levitt, Science & Medical Journalist/Author*