

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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FRIENDS OF MERRYMEETING BAY,))
DOUGLAS H. WATTS, and))
KATHLEEN McGEE,))
))
<i>Plaintiffs,</i>)	Civil No. 1:11-cv-167-JAW
))
v.))
))
NORMAN H. OLSEN, in his official capacity as))
Commissioner of the Maine Department of Marine))
Resources))
21 State House Station))
Augusta, ME 04333-0021))
))
CHANDLER E. WOODCOCK, in his official))
capacity as Commissioner of the Maine))
Department of Inland Fisheries and Wildlife))
41 State House Station))
Augusta, ME 04333-0041))
))
<i>Defendants.</i>))
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**DECLARATION OF ED FRIEDMAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Ed Friedman declares:

1. I live in Bowdoinham, very close to Merrymeeting Bay.
2. I am the Chair of plaintiff Friends of Merrymeeting Bay ("FOMB"). I am also a member of FOMB. I am directly involved in most of FOMB's activities.
3. I have a BS in Environmental Science from State University of New York Empire State College. I have been a wildlife researcher for the United States Fish and Wildlife Service.
4. FOMB is a non-profit Maine corporation with over 400 members.

5. FOMB undertakes research, advocacy, land conservation, education, and litigation activities in order to preserve the ecological, aesthetic, historical, recreational, and commercial values of Merrymeeting Bay, its watershed, and the Gulf of Maine (the part of the Northwest Atlantic Ocean where Merrymeeting Bay is located).

6. I personally know many of FOMB's members. FOMB has members who live near, own property near, and recreate on and near Merrymeeting Bay and the rivers that flow into the Bay.

7. Among other activities, FOMB members kayak and canoe, recreationally and commercially fish, hike, photograph, and observe aquatic life and wildlife in and around Merrymeeting Bay and its watershed and throughout the Gulf of Maine bioregion. I participate in these activities on a regular basis, and have joined FOMB members in these activities many times over the years, often in outings organized and run by FOMB.

8. FOMB members receive economic value from Merrymeeting Bay through, among other activities, commercial fishing and guiding. For instance, I am a long-time Maine guide. I have conducted kayaking tours and instruction in the Merrymeeting Bay watershed since the mid-1980s.

9. FOMB has long recognized the important connections between Maine's rivers and the Gulf of Maine. FOMB's Healthy Rivers, Healthy Gulf program (HRHG) is devoted to educating the public and policy makers about these connections. HRHG uses community organizing around the Bay and statewide to advance efforts providing diadromous fish passage past dams, species and habitat restoration, and improvement in water quality (physical, chemical and biological integrity).

10. FOMB has members who travel to the St. Croix River to carry out their work, kayak and canoe, recreationally fish, hike, photograph, and observe aquatic life and wildlife. FOMB members also own property along the St. Croix and have been commercial fishermen in that region for many years. FOMB has advocated in a variety of ways for alewife restoration on the St. Croix River, though to no avail, which is why it is bringing this lawsuit. FOMB believes that the law blocking alewife passage at the Grand Falls eradicates alewives from 98% of the tremendously productive spawning and rearing habitat of the St. Croix River, having adverse effects on the health of bird, fish and mammalian species in Merrymeeting Bay and throughout the Gulf of Maine. A number of migratory fish species (including striped bass and Atlantic salmon) from Merrymeeting Bay range through the Gulf of Maine and the benefits of a recovered St. Croix alewife population, once largest in the country, will increase important available forage for not only striped bass and salmon, but many larger fish species in the Gulf of Maine.

11. FOMB members are interested in maintaining the natural biodiversity of the Merrymeeting Bay watershed and the Gulf of Maine. Indeed, that is a major reason people join FOMB.

12. I personally am interested in maintaining the natural biodiversity of the Merrymeeting Bay watershed and the Gulf of Maine. As an avid outdoorsman, I want there to be as much natural fish and wildlife in and around the Merrymeeting Bay watershed and Gulf of Maine as possible. Healthy fish populations mean healthier water quality and more economic vitality for riparian communities, both natural and human. I am aware that populations of many species in Merrymeeting Bay and the Gulf of Maine have declined dramatically, and this diminishes my enjoyment of the Bay. As a “keystone” species that supports other fish species

and is a food source for birds and riverine mammals, the alewife population needs to be as robust as possible for those declining species to be healthy.

13. In addition, if fish species in Merrymeeting Bay become healthier, there would be more opportunity for commercial fishing and guiding. Restoration of the important St. Croix River alewife population would increase these opportunities.

I declare under the penalties of perjury this 29th day of June that the foregoing is true and correct.

/s/ Ed Friedman