

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 DOUGLAS H. WATTS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Douglas H. Watts declares:

1. I live in Augusta, Maine.
2. I am a professional photographer. I specialize in photographing native fish and wildlife in Maine and New England, including alewives. My work, including photographs of alewives, is displayed in museums, appears in periodicals and on websites, and is used by federal and state fish and wildlife agencies and non-governmental conservation organizations. An example of an alewife photograph I took can be seen at the United States Fish and Wildlife Service website page on Maine

alewives, at <http://www.fws.gov/GOMCP/pdfs/alewife%20fact%20sheet.pdf>. I use special equipment to photograph and video fish, including alewives, underwater.

3. I want to photograph alewives in the St. Croix watershed above Grand Falls dam, but cannot because their access to the watershed is blocked at the dam. If the law directing the Commissioners of the Departments of Marine Resources and Inland Fisheries and Wildlife to block the passage of alewives past Grand Falls dam were invalidated and alewives were allowed to migrate past Grand Falls dam, I would photograph alewives in the St. Croix watershed upstream of the dam.

4. I am also an outdoors writer and have written about alewives for the popular press. In addition, I have authored a research paper using previously unknown historic documents related to alewives on the Saint Croix River, Historic Documents Related to the Anadromous Fisheries of the St. Croix River, Maine and Canada (Maine Rivers 2005), which has been incorporated into a larger work, A Documentary History of the Alewife in Maine and New England (Watts 2011, in press).

5. I have fished for native lake-dwelling Atlantic salmon and other fish species in the Saint Croix River watershed above Grand Falls dam, at Grand Lake Stream below the outlet of West Grand Lake. However, I now consider that area to be in a sadly unnatural state due to the eradication of alewives, and I am not interested in fishing there. I would return to fish in the St. Croix river watershed above Grand Falls dam if the law blocking alewife passage were invalidated and alewives were allowed to migrate past Grand Falls dam.

6. In July 2010 I informed the U.S. EPA Region 1 Administrator Curt Spalding that Maine had never submitted the Alewife Law to U.S. EPA for approval as required by

the Clean Water Act. The U.S. EPA never denied this. I then engaged in communications over several weeks with the U.S. EPA about the Alewife Law, including conversations with an attorney from their Regional Counsel's Office named Ronald Fein. These communications confirmed that Maine has never submitted the Alewife Law's water quality standards change, or any of the related analysis that would be required, to the EPA for review and approval, and that in fact Maine has never received approval from the EPA for the change.

7. Attached hereto as Exhibit A is a true and correct copy of Email from Patrick Keliher to Doug Watts (November 16, 2010, 12:58 EST).

8. I am a member of FOMB.

I declare this 29th day of June, 2011 under the penalties of perjury that the foregoing is true and correct.

/s/ Douglas H. Watts