

Bristol Mills Dam *ad hoc* Advisory Committee

Minutes of Meeting Tuesday, March 28th, 2017

Committee members present: Jim Albright, Pam Allen, Claire Enterline, Charles Farrell, John Freburger, James Hatch.

Also present: Chris Hall, Slade Moore, Rick Poland; Danielle D'Auria, Department of Inland Fisheries and Wildlife; Robert Davidson; Shawn Plummer.

For item 1: Parks Commissioners Clyde Pendleton, Sandra Lane and Laurie Mahan

The meeting was called to order by chair Enterline at 5.30 pm with a quorum present, and the Pledge of Allegiance was recited.

1. Chair Enterline welcomed the Bristol Parks and Recreation Commissioners. She introduced the Fish Committee members present and explained the origins of the present *ad hoc* committee in the Fish Committee's and other volunteers' work on the fishway, during which it had been learned that few fish were passing and that human intervention is required for successful passage of alewives. She recounted that in 2015 a new fishway had been designed but a grant application in 2016 had been unsuccessful, leading the Selectmen to form the present committee to explore every option.

In addition to the previously designed fish passage, these options include a new 'nature-like' structure to replace the dam at the swimming hole site; or a new structure near the Benner Road bridge to regulate the water levels in the wetlands above. An idea related to the latter is the possibility of a new swimming hole at Ellingwood Park.

She stressed that the Committee is still in the information-gathering phase and had not started to refine options for the dam and fish passage.

In discussion, Pendleton raised the question of abutters' deeds and the rights and obligations of the dam owner (the Town) and the upstream owners. It was stressed that any solution studied by the Committee would seek to maintain upstream water levels.

Hatch pointed out that the needs being studied by the Committee were not limited to fish passage but also included fire protection and recreation swimming.

Pendleton pointed out the disadvantages of Ellingwood Park as a site for recreational swimming, including the lack of parking, dangerous road egress, and the mixing of boats and swimmers.

Farrell asked if there was another possible site for a swimming hole; Hall stated that until development over the past decade, Boyd Pond had been a popular site for swimming. It was suggested, though, that the success of the Bristol Dam swimming hole was due in part to its public visibility – misbehavior was very unusual there. Parents felt comfortable having young children learn to swim there.

Lane made an impassioned statement that she wanted to keep the dam, leading Averill to ask why, given its expense. She cited history and dislike of ‘tearing things down.’

Enterline thanked the Commissioners for attending and indicated that the Dam Committee would plan to meet with them again once the options had crystallized.

Following the departure of the Parks Commissioners for their separate meeting, the regular meeting then came to order at 6.07 pm.

2. Minutes:

Moved by Hatch, seconded by Albright, to accept the Minutes of February 28. In discussion, Albright requested the last 20 years’ expenditure on the dam. Enterline pointed out that the agreed Scope of Services with Wright-Pierce will include a

3. Amendments to the Agenda:

Enterline reported that Dr. Karen Wilson, USM expert on diadromous fishes, had to postpone her presentation due to illness. Enterline hoped to reschedule her on April 11th.

4. Jason Seiders, Freshwater Fish Biologist with the Department of Inland Fisheries and Wildlife, presented information on the non-diadromous fish of the Pemaquid River basin. He is one of 3 fulltime fisheries biologists covering Region B, one of 7 regions into which the state is divided by IF&W. The region covers 370 lakes and ponds, and 3,500 miles of running water.

Trout habitat is best in fast-flowing, cold water. The Pemaquid watershed’s water is too warm in summer for successful trout reproduction.

Brook trout (introduced from England in the early 1800s) are stocked in most ponds in the Pemaquid drainage and in the river immediately below the dam on a ‘put and take’ basis: it is expected that all stocked fish be caught in a season. They are unlikely to survive until a second season, although there is reasonable habitat for so doing at Little Pond and Ross Pond.

Brown trout are also stocked, on a ‘put, grow and take’ basis. They are somewhat hardier than brook trout and are expected to grow in the watershed for multiple seasons, although they do not reproduce in the Pemaquid. Fish in Biscay pond have been reported in excess of 5 lbs.

Largemouth bass are the most popular sport fish in the watershed. They are very successfully self-sustaining throughout the watershed, favoring warmer, still water. They are omnivorous, including preying on alewives.

Other species include smallmouth bass (in Biscay pond); chain pickerel (in the same habitat as largemouth bass); the pumpkinseed and redbreast sunfish (which can hybridize with each other); the yellow perch; the white perch (unrelated to the yellow perch, but related to the striped bass); the white sucker; and a variety of species of minnows (chub, dace and shiners).

Diadromous fish include the anadromous alewife and the catadromous American eel. Eels are common throughout the watershed, with very large examples found in Biscay Pond. They are also very common in Ross Pond; they can migrate across wet grass and have been known to climb twenty or more feet up the face of dams.

In discussion, Albright asked if alewives are the only species hampered by poor fish passage. Seiders replied yes; Enterline suggested waiting for the presentation by Dr. Wilson on diadromous fish.

Davidson asked if Seiders would recommend a particular type of fish passage; he declined, saying he is not an engineer. Moore commented that there is an existing design, with a cost in excess of \$300,000.

Enterline thanked Seiders for his presentation and the Committee gave him a round of applause.

5. Other business:

Benner moved, seconded by Hatch, that the Committee advertise its meetings in the Lincoln County news, to encourage greater attendance. It was pointed out that, in addition to advertising, meetings could be inserted for free in the 'Weekly Calendar' column. Motion passed unanimously.

Benner referred to the 1924 Deed of Sale from the Lincoln County Power Company to Central Maine Power, saying that it was believed by some abutters that they had rights in the event of the dam's removal or changes in water level. Shawn Plummer, an abutter, indicated he had seen old deeds with language about not raising water levels.

Hall produced the 1955 Deed from CMP to the Town, which appears to show two conditions: (1) that any power generated from the dam could only be sold to CMP, and (2) that if any **new** dam were constructed, that "any damage resulting" would be charged to the Town. Hall and Benner will meet to locate property parcels mentioned in the deeds after which Hall will scan the deeds and send them, with a map locating the properties concerned, to the Committee.

It was agreed that if the options included measures that might trigger changes to the water levels of abutters, legal counsel would be sought, but for now the deeds seemed not to pose legal challenges to the likely courses of action.

Farrell spoke of the need to understand neighbors' concerns, and Enterline of the need to understand how nearby towns had handled fish passage issues in Alna, Whitefield and at Damariscotta Mills. Albright indicated he had heard a great talk from Deb Wilson on the Damariscotta Mills fish passage, and it was agreed that it would be important to hear their experience.

6. Adjournment: it was move by Benner, seconded by Albright, to adjourn. Passed unanimously at 8.09 pm.