

Friends of Casco Bay
Board Meeting – Minutes
Online via Zoom
Tuesday, February 15, 2022, 5:30 p.m.

In Attendance:

Board: Sandy Marsters (President), Steve Bushey, Deb Debiegun, Howard Gray, Mark Green, Megan Hallett, Seb Milardo, Kirsten Piacentini, Malcolm Poole, Lori Thayer

Staff: Susan Bosco, Will Everitt, Ivy Frignoca, Sarah Lyman

Guest: Will Plumley

Welcome – President Sandy Marsters

- Introductions: welcome Will Plumley, a founder and board member at Friends of the Presumpscot River, and an author of [*River Voices: Perspectives on the Presumpscot*](#).
- Check in question: What wish do you have for Casco Bay this season?
- Minute for the Bay: share a reflection or something you have seen on the Bay recently.

Partnering for a Cleaner Presumpscot – Will Plumley, Friends of the Presumpscot River

Friends of the Presumpscot River and Friends of Casco Bay have been partners in various capacities for over 20 years. For example, in 2006 we and other groups applied for and received shared funding from the EPA that funded sonde deployment.

Mission: Friends of the Presumpscot River works to restore and protect water quality, river habitat and native fisheries in the Presumpscot River through stewardship, advocacy, and education, while creating recreational opportunities and instilling appreciation of the river in all the communities it touches.

Current Areas of Focus:

- Reclassify lower Presumpscot River from Class C to Class B. Will thanked Friends of Casco Bay and Ivy specifically, for teaming up on this and strengthening the effort.
- Ensure Sappi's impending sale of all its Presumpscot hydroprojects does not weaken license terms and ensure that the new owner has the financial resources, will, and skill to adhere to all license terms. Friends of the Presumpscot River is on record as the intervenor for this transaction.
- Address perched and deteriorated culverts in the free-flowing section of the river from Mallison Falls Dam to Saccarappa. The Casco Bay Estuary Partnership is also leading this work. There is an effort to create trails where the culverts are, so the Maine Department of Transportation may provide some support.
- Monitor river flows and river management, and pursue any issues that arise. For example, flows out of Sebago Lake do not always meet minimum requirements. It is important to ensure there is enough flow for each fish season.
- Monitor annual fish migrations and pursue any issues that arise. Test each season to ensure that agreements to allow for fish passage are met.
- Programs and community engagement with the river. This is a key strategy for FOPR.
- Partner with other entities whose missions overlap FOPR, and collaborate as appropriate for effectiveness and success.

Potential future Areas of Focus:

- Prepare for fish passage to be ordered at Mallison and Little Falls Dams
- Help with emerging efforts to improve water quality in impaired streams entering the upper river
- Study and improve seasonal flow regime in the Presumpscot
- Study areas of industrial zoning along the river for appropriateness
- Team up with partners to improve agricultural practices in the Presumpscot watershed

When industrial zoning along the river was implemented, the river was still seen as a convenient place for waste disposal, and the railroad was great for transportation needs. Today, that neither of those are true, begging the question: should these areas be considered industrial?

How can Friends of Casco Bay help Friends of the Presumpscot?

Will answered that Friends of Casco Bay has clout. We can bring science to the rivers. We can bring strength behind efforts to protect the freshwater. The Baykeeper can advocate for the watershed's freshwater, and cross-over with Friends of the Presumpscot. We can help by monitoring the water and stopping the abuses.

Friends of the Presumpscot River is thrilled by the recent deepening of our relationship, starting with amplifying the reclassification work. Working together enhances proactive work on behalf of the river.

Baykeeping Update – *Casco Baykeeper Ivy Frignoca*

Ivy followed up on Seb's question to Will. We have started a rivers network here in Casco Bay, working with groups like Friends of the Presumpscot, Royal River Conservation Trust, and others. We are helping where we can to protect Casco Bay. This includes filing comments on a biannual integrated report that identifies waters that are not in attainment and advocating for adding Casco Bay tributaries with blocked water flow.

Ivy shared more information about our work to upgrade the lower Presumpscot from Class C to Class B. The river used to be so polluted that it did not even meet Class C standards, the lowest level of Clean Water Act protections in Maine (an industrial river). The river has improved over the years. She reminded us about how the Department of Environmental Protection (DEP) opposed the upgrade. The more Ivy looked into the issue she saw that science supports a Class B upgrade. Bacteria levels are healthy and the dissolved oxygen levels look good. It takes legislative approval to upgrade Clean Water Act classifications. Ivy met with DEP to share that we are seeking an amendment to the legislature's water reclassification bill to include an upgrade for the lower Presumpscot. DEP will not officially oppose the upgrade. We have started meeting with legislators who serve on the Joint Standing Committee on Environment and Natural Resources and one of them has agreed to sponsor an amendment to upgrade the Presumpscot. We now have a fighting chance to win the upgrade. The Presumpscot drains two-thirds of the Casco Bay watershed. If approved, discharges into the river would not be able to degrade water quality in the future, permanently protecting the river and Bay.

Ivy said that the other legislation we are following involves updating the state's stormwater and land use laws, as required by the Sea Level Rise Resolve we supported last year. These updates will include municipal support. Both of these bills will be heard on February 28.

What does partnering mean? Partnering is an informal, voluntary agreement between *Friends* and other organizations to work on issues that are of interest to both of us. Partnering encourages good dialogue and better information sharing. It is about looking at issues with common sense.

Projected surplus update and budget conversation – *Treasurer Malcolm Poole and Interim Director Will Everitt*

We are projecting a healthy surplus with two months to go in the fiscal year. This is due to the generosity of our supporters and the government's Paycheck Protection Program (PPP). As of last month, we have met every budget category goal for the year, including individual, corporate, and foundation support. We are significantly under budget. We did not hire a staff person as originally budgeted and we have been conservative in our spending.

Malcolm, Sandy, and Will met to discuss how to best utilize the surplus. There are multiple one-time expense items we can cover with the surplus. They include covering the remaining Retirement Compensation Package for Cathy and development expenses. After those expenses, an estimated \$100,000-130,000 surplus will still remain. At a future meeting, the Board may designate some of this surplus back to our four funds: Emeritus Fund for Advocacy, Baykeeper Boats Fund, Baykeeper Endowment Fund, and Climate Change and Casco Bay Fund, in proportion to their value.

What about the funds that were pulled and put into reserve a couple of years ago? At that time we were hedging our bets and pulled the equivalent of three years of draws from each fund out of the market. This ensured we had those funds available and protected them from market changes. Those funds remain sequestered and we are making our yearly draws from those accounts, rather than our Maine Community Foundation accounts where the rest of the funds are invested.

Suggestions: Thank our congressional delegation for the PPP money. And we need to thank our donors. We can also think bigger in our upcoming operating plan than we have been able to in the last two years.

Action Item – Board Consent Package (minutes and financials)

Motion by Howard, seconded by Bud, to accept the consent agenda as written. PASSED

Debrief of Environmental Justice, Diversity, Equity, and Inclusion Training

The Board shared positive reviews of the training. Kirsten thought the training was great, saying her knowledge and awareness were expanded. She is very grateful for the participation. She liked the breakout groups where we were all able to discuss and engage. She said she hopes that we look at our operating plan and strategic plan with the pillars of DEI. Pat seconded everything Kirsten shared. Pat said DEI concepts are becoming more of the overall thought process in her mind and she is starting to see where these issues touch every aspect of life. Pat appreciated the facilitators, Jess and Stefan. She said we need to think about DEI not just at strategic planning time but during these board meetings.

Interim Director Update – *Interim Director Will Everitt*

Operating plans, diversity, equity, inclusion, and advocacy

In addition to their “regular” work toward our mission, staff have been drafting our FY23 Operating Plan, which will be sent to the board in early March. We will have two workshops on the plan and the budget that supports it. We will discuss the development, communications, and community engagement section of the plan at the regularly-scheduled March 7 Community Engagement Committee meeting. We will workshop the science, Baykeeping (our advocacy work), and administration sections on March 10. These workshops will be important moments to bring up questions about our work this upcoming year relative to our mission and the strategic plan, as well as for us to practice looking at our work through an environmental justice, diversity, equity, and inclusion lens.

Thanks to Malcolm and Sandy, there will be a board orientation to our budget, our balance sheet, and our fundraising, on Thursday, March 3 at 12:30 p.m. Will will send out an email inviting new board members to this, as well as all board members. This will be a little different from our past financial 101 trainings. It will be less theoretical and more of an orientation to where we get our funding, how we spend it, and how we steward our funds. There will be plenty of time for Q&A. Thank you to Howard for suggesting this.

A change is required to continue to carry our advocacy work relative to state laws. Given the largest threats to the Bay, including climate change, coastal and ocean acidification, and stormwater, sometimes we must speak for the Bay at state and federal levels. We do this efficiently, in concert with partners whenever possible, and with data and facts that show the ways proposed legislation may affect the health of Casco Bay. At the state level, Maine has made our sunshine laws stricter, the idea being it should be public knowledge who is being paid to talk to our legislators. Currently, the threshold for having to register as a lobbyist is 8 hours a month. Given the heavy lift of the Presumpscot River reclassification bill, it will take more than 8 hours of Ivy’s time this month to talk to legislators and administration officials about the upgrade. Given the huge importance of this bill, Will immediately discussed this with Sandy, who looped Malcolm in as our most recent past president. Given the reality and the gravity of the work ahead, they decided that Ivy should register as a lobbyist to do the work of our mission.

It was recommended that Will write out our guidelines, our “boat bumpers” for our advocacy work. That is the document that was shared as part of the documents for this meeting. In summary, our advocacy is guided by the idea that clean marine water is fundamental to our economy and environment, that we will follow the science, be guided by sound analysis of the law, common decency (which includes our DEI work), collaboration, and transparency. In the transparency department, board members will always be kept in the loop about our advocacy efforts, including through our operating plan and through updates outside of the operating plan schedule.

Malcolm added that this change allows registration to occur once a year, rather than monthly which can be laborious. It allows our important work to continue.

Are there any unintended consequences or impact to our reputation? Will and Ivy shared that there are not, and added that when a business needs to represent their interests, they are unlikely to have any reservations about registering as a lobbyist. For example, Sappi may do so in the case of the Presumpscot reclassification process. To complete our work on behalf of the Bay we need to do the same. In the new definitions, even Ivy’s conversations with the Department of Environmental Protection count toward the time limits. It can get worrisome quickly because we want to ensure we absolutely maintain ethical credibility as we are acting as the voice of the Bay. Malcom added that there is now more

responsibility on the Board to work with our Baykeeper and Executive Director to ensure we are focusing on the right legislation. Howard added that Casco Bay Estuary Partnership, due to its structure, is unable to lobby. This means the rare times they do speak on legislative issues they can only provide scientific data. It is an enormous barrier to what they can accomplish. It is incredibly important for the Bay and elsewhere that we can continue to advocate.

Community Engagement Committee – Committee Chairs Seb Milardo

Seb said the meeting was well attended and thanked everyone who joined and shared their great ideas about how we can celebrate the 50th Anniversary of the Clean Water Act, a tool that has enabled essential changes to the health of Casco Bay. It was a creative discussion. Ideas shared included: coordinating with our partners to celebrate together, sharing the history of what Casco Bay was, and boating events. See the minutes for all ideas. Every time we look at these ideas, and any Community Engagement Committee topics, we need to consider how we are meeting our diversity, equity, and inclusion goals. The committee also received two updates. First, our pumpout boat will be relaunched this year. We will hire someone to captain the pumpout boat, and integrate them into our work more than we have in the past. The job posting will be shared with the board when it is ready to be distributed. Please help us distribute it as widely as possible. Second, we are [celebrating our victory on the MS4 permit](#). Our first email has gone out and more communications will continue through the July 1st implementation date.

Search Committee Update – Committee Co-Chairs Sandy Marsters and Seb Milardo

Seb thanked the Search Committee members, Sandy, Joanie, Bud, and Mark, for their work. Fourteen people applied for the Executive Director position. Six were interviewed by the Committee, and one of those applicants was interviewed to the staff last week. The Committee met with the staff on Monday and decided that, given the staff's review, the candidate did not meet what we were looking for. He shared that the committee will move on and he expects they will re-open the search. They will reevaluate when they meet on Thursday, and discuss how the staff might be involved differently. At the March board meeting they will share their plans for a new approach. It was acknowledged that there are national challenges in hiring right now.

Kirsten and others shared that it is important to wait for the right person. Malcolm added that the preliminary work unanimously indicated that it was important to take the time needed to bring the right person aboard. At the Monday Search Committee meeting, Bud asked the staff if they were ready to continue the work at the current capacity, and he specifically asked Will if he was ready to continue his interim role. All clearly indicated that they are. Staff are making this work and are dedicated to us finding the right person.

How might we do things differently? The committee needs time to explore this, and are open to ideas from anyone. They will review the job posting with fresh eyes, reconsider the process, and more.

Was there one area where candidates were lacking as a whole? No, it was all over the map.

Bud thanked Seb for his amazing work leading the Search Committee and his thoroughness. Lori shared her thoughts that Will is doing a great job leading the staff.

Sandy adjourned the meeting at 6:58 p.m.