

**Friends of Casco Bay**  
**Board Meeting – Minutes**  
**Hybrid Meeting: In-person at GMRI and Online via Zoom**  
**Tuesday, April 18, 2023, 5:30 p.m.**

**In Attendance**

Board: Sandy Marsters (President), Ellen Grant, Howard Gray, Bud Higgins, Pat Ianni, Seb Milardo, Malcolm Poole, Kirsten Piacentini, Joan Samuelson

Staff: Susan Bosco, Mike Doan, Jeff Fetterer, Sara Freshley, Ivy Frignoca, Heather Kenyon, Robby Lewis-Nash, Sarah Lyman

**Welcome – President Sandy Marsters**

Sandy thanked staff for their excellent work to keep our organization running smoothly while Will is on vacation. The recording of our arts event has been posted, and Sandy said Robby did a great job as host.

Sandy reminded the board of our upcoming event to celebrate the *R/V Joseph E. Payne*. Board members received an email about this casual event for board, and current and past staff (search for an email from Will). This event is weather dependent and the date may shift.

Sandy asked everyone to share their summer plans as the group check-in question.

**Action Item – Acceptance of Consent Agenda**

Malcolm moved, Seb seconded: *PASSED*

Ellen noted a correction to the Community Engagement Committee meeting minutes: a name was incorrectly written as “Dick McGonnigal,” when it should be “Dick McGoldrick.” Malcom commented that the financials appear to have big changes, but they are actually a result of removing past releases that we did not need to make budget from our accounts. The financials are accurate and these changes should not concern the board.

**Board governance, representation, skills, and recruitment – President Sandy Marsters**

Sandy said that we will discuss board governance, representation, skills, and recruitment at our May board meeting. The board should think about these topics and review any relevant documents ahead of the May meeting. Sandy then called on Bud to share an important announcement.

After committing many years to Friends of Casco Bay, Bud said it is time for him to step away from the board. He has great admiration and appreciation for this organization. Bud was board president when we made the decision to hire our first executive director. He was also on the hiring committees to hire our second Casco Baykeeper, Ivy, and more recently, hiring our second executive director, Will. Bud said that seeing Will and Ivy blossom in their roles has been wonderful to observe. We also have an incredible new strategic plan.

Right now, Bud sees that other organizations have great need for board members with skills he can provide. Bud recently joined two other boards that work in healthcare, and one meets at the same time as

our board meetings. He is also considering joining a third board. With the incredible makeup of the board and staff at Friends of Casco Bay, other organizations need his help. Bud said he has deep affection for our organization. He will continue to support us, and it has been a pleasure working with everyone.

The group gave Bud a standing ovation. Sandy thanked Bud as a board member, but also as a friend, medical advisor, grief counselor, and so much more.

Returning to the topic of board governance, Sandy shared that we need to solidify how we do that, with consideration for skills and credentials, diversity, and the qualities we want in new board members. We may need to create a recruitment policy, and it could be worthwhile to create a board committee, such as a governance committee, to decide how we will do this. Sandy asked everyone to come to the May board meeting with their ideas for how to approach this issue. He encouraged the group to borrow ideas from other boards they serve on. Sandy also asked that everyone read through the board handbook to prepare for the conversation.

### **Environmental Justice, Diversity, Equity, and Inclusion Committee update and conversation on EJDEI definitions – Staff Writer Robby Lewis-Nash**

Robby presented our proposed definitions for environmental justice, diversity, equity, and inclusion. He said the board's EJDEI committee wrote these definitions at multiple meetings over the course of many months. We started by reviewing definitions for these terms found in the dictionary, as well as those used by organizations like the Casco Bay Estuary Partnership, and the Federal Environmental Protection Agency. All of the definitions we reviewed conveyed the same core ideas, but there was variety in specific wording and sometimes scope. Drawing on the language and implications of these definitions, we continued to draft and refine what is presented to the board today.

The definitions the committee drafted are true to our values and focused on our work at *Friends*. They use active language to help us readily apply them to our operations. And they are easy to understand. The EJDEI definitions are intended to foster a common understanding of these terms at Friends of Casco Bay. That common understanding will support our discussions of Environmental Justice, Diversity, Equity, and Inclusion moving forward.

#### **Action Item – Vote on accepting the proposed EJDEI definitions**

Seb moved, it was seconded: *PASSED*

Sandy asked Robby to summarize the discussion at the last EJDEI committee meeting. Robby said the group discussed how to start putting these definitions into practice in our work at *Friends*. That conversation oscillated between our own efforts to review organizational policy and the desire to have expert opinions support this work. There are other organizations who have hired EJDEI consultants to audit organizational policies and practices. The committee plans to review the Casco Bay Estuary Partnership's (CBEP) RFP for such a consultant. The committee also wants Will to ask other partner organizations for information about consultants they may have hired and other ways they have approached this work.

### **Community Engagement Committee Update** – *Vice President Kirsten Piacentini*

Kirsten reviewed the March Community Engagement Committee meeting. The group reviewed the arts event, noting that it was a great success. They reviewed our development metrics that Sarah will also present today, focusing on how efforts like capital campaigns or house parties can increase giving and membership. Then the group talked about hosting house parties this year. They brainstormed potential hosts, people who are either members or friends of board members with homes along the Bay.

Joanie asked if we are looking for hosts who live in specific areas along the coastline. Sarah said we are open to anything. Bud said there are many organizations that are hungry to host similar events, so we should get on it sooner rather than later.

Ellen noted that it was strange our arts event was in the same week as the Maine Island Trail Association arts event. Scheduling is challenging, but are there ways we can make sure we avoid planning events with conflicts? Sarah Lyman said that Sara Freshley is staying on top of what events other organizations are hosting. Pat thought that it was nice that both events happened near the same time because they complemented each other well.

### **Development Metrics: a Baseline for our 5 Year Strategic Plan** – *Development Director Sarah Lyman*

Sarah said she and Susan work very closely with Will and our board members to fundraise. The focus of tonight's presentation is broad, and Sarah encouraged board members to ask questions.

Sarah showed a pie chart of our revenue from FY22. Most people assume much of our funding comes from government or foundation support, but the bulk of our funding actually comes from individual donors. Sarah showed a graph of individual gifts, government grants and contracts, and foundation grants from FY10-FY23. In FY10 those funding sources were about equal, but more recently most of our giving comes from individuals. Sarah also pointed out that foundation giving is somewhat unpredictable, which is reflected in the graph. She then pointed out that the periods of rapid growth in our individual giving, in FY12 and FY19, both correlate with the start of our capital campaigns. In FY12, we launched the Baykeeper Boats Fund Campaign, and in FY19 we launched the Climate Change and Casco Bay Fund. After both campaigns our individual giving drops off and then rises again, which is expected.

Sarah said that today, individual giving is 65-70% of the dollars we raise. There are two reasons this is very good. We want to have income from diverse sources and we have many individuals supporting us (if one gift disappears, we are at less risk of losing significant funding, unlike many grants). Having support from so many individuals also bolsters our organizational credibility. Because individual donations are so important to our work, we focus on them.

Bud commented that the overall trend of our individual giving is steadily positive, and that there seems to be a large increase in individual giving in FY22-23, despite the lack of a capital campaign. Sarah said we consider bequests and donor advised funds (like the \$200k funding for our "tech team" sensor work) individual giving. Joanie asked if part of this increase is due to growing interest in climate change. Sarah said that may be the case with donors to the Climate Change and Casco Bay Fund, where some of those lapsed donors have come back. Kirsten asked what a donor advised fund is. Sarah said donors can decide to open an account with a foundation to specifically give to nonprofits of their choice, which comes with

tax benefits. Savvy donors that do not have foundations of their own may pursue this option. We consider them “individuals” because these funds behave like individual donors.

Howard asked about the Broad Reach grant: is that money meant for us, or does it have to be shared with two other organizations? Sarah said some of that money funds work with other organizations. Howard said the presentation made it sound like we gained \$200k. Ellen said that is how grant revenue is often recorded

Ellen asked about the peaks in individual giving related to our capital campaigns. Are we counting donor pledges to give for multiple years as a single lump sum? Malcolm said that is how we must count them for financial reasons. Ellen noted that it makes the peaks look sharper than they would otherwise.

Sarah said we need to continue outreach to maintain and grow our revenue and membership. She showed a graphic of our mailings, which go to approximately 8,000 households and result in approximately 1,300 donors.

Susan presented our membership and Annual Fund mailing strategy. She said our ultimate goal is to give households as many opportunities as possible to give. Those opportunities can include everything from mailings, event outreach, or even the “donate” button on our website and in emails. Susan said the main way we reach donors is through our Membership and Annual Fund mailings. Our Membership and Annual Fund mailings ask people to become members with a general donation. Special Appeal asks, which we process alongside the Annual Fund mailing, are different because we ask for a donation specific to a particular program or effort. When someone makes their first donation to us, 11 months later we send them a membership “renewal” ask.

Susan said we consider major donors those who give \$100 and over. Susan has worked in development for a long time and thinks this tactic is brilliant and unusual. Major donors receive reports every year, describing how we use their donation. In addition to our membership mailings, we send Annual Fund letters twice a year in May and October in the weeks after we distribute our newsletter. Susan emphasized that board members signing Annual Fund letters and adding handwritten notes makes a huge difference.

Howard asked if we have data on the cost per response of our solicitations. Sarah said we have not looked at it closely in a few years, but we plan to do that this year. Sarah said we are particularly curious about how effective the third and fourth member renewal mailings are. Kirsten asked if someone does not respond to our membership renewal mailing (the series of letters), do they stop receiving mailings from us? Sarah and Susan said that they may receive an Annual Fund letter. Sarah said that Annual Fund letters to current members who have not previously given to the annual fund get a P.S. noting that an Annual Fund gift is separate from membership. Sandy agreed with Kirsten’s point. Sandy said he was talking with someone recently who does his giving once a year, and then the rest goes in the trash. Seb said he does the same. Sarah said that if someone tells us that they do not want to receive Annual Fund letters we make a note in our database and stop sending them. Joanie asked how often we get those requests. Susan said she has processed one of those requests since she joined staff over a year ago. Joanie thinks that as an environmental organization there is something we need to do to cut down on paper. Ellen said, while

paper waste is bad, we do not want to leave money on the table. The reason organizations send so many mailings is that they work.

Ellen asked how we know that board members signing notes matters. Susan said that her first introduction to our work, before joining staff, was a letter with a handwritten note. Personally, she felt compelled to donate because she received a hand-signed letter. Pat said she donates when she receives a letter about something that resonates with her, like seeing all of the bills an organization is working on. Bud agreed with Howard that this is a cost benefit issue. Every mailing has a financial and human cost and there has to be an analysis of that. Bud said that he and his wife give to about 25 organizations, and if they get a response with a personal note they go to the top of their giving list. He agrees that the personal notes matter. Seb added that identifying people board members know and writing personal notes to them has an impact.

Seb said Nature Conservancy recently asked him if he would rather have an annual donation automatically taken out of his account rather than sending in his gift every year. He thought that was an interesting idea. Sarah said we do that with our Calendar Island Circle of donors (which is an automatic monthly gift). Joanie said many organizations that used to write notes do not anymore. This makes us stand out.

Malcolm asked if we will bring a different approach to soliciting members up the watershed. Sarah said last year we sent a mailing to people who live by the Presumpscot River, many of whom live in Westbrook. The success of that mailing was lower than some of our coastal outreach, which she thinks is a sign that we are in a learning process. We are trying it again this year and doing it differently. Sarah added that building relationships alongside an ask is really important, and that Sara Freshley will support that work as our Community Organizer and Volunteer Coordinator.

Howard asked about the Presumpscot River mailing around our outreach to Friends of the Presumpscot members. Do we have hard numbers on the success of that mailing as that could serve as an estimate of what cold calling up the watershed might look like? Sarah clarified that we did not ask Friends of the Presumpscot River to share their members' names and addresses with us for this mailing; we do not do a lot of list sharing with other organizations currently. She said that we do not have hard numbers on this mailing at this time, but added that she thinks people moving in and out of that area may have been a significant factor. Howard said that Friends of the Presumpscot came to us to ask for help, and thinks that they should offer something in return. Sarah said that help was programmatically focused. It was not a membership exchange agreement, though we have asked for joint funding from Maine Community Foundation with them.

Sarah emphasized that 69% of people who gave in FY22 gave again in FY23, and that on top of that we brought on new households and members and lapsed donors, so that our total number of households was net positive between years. Sarah said that she will follow up this week with board members to explain how they can support our fundraising, namely helping with house parties (hosts and attendees), giving out gift memberships, signing letters, and feedback and support on corporate giving (in particular, do board members know people at corporations that could help drive support).

Pat said she remembers that corporate donorship is generally down, and that we moved away from pursuing them. Malcolm said that corporations have fewer individual owners in our area. Many corporations have sold to larger corporations outside of Maine that do not have the same desire to support local efforts. Sarah said we have also become more open to the ways that corporations want to have shared branding, so that may open new opportunities.

**Baykeeping Update: PFAS and MS4** – *Casco Baykeeper Ivy Frignoca, and Science and Advocacy Associate Heather Kenyon*

Ivy reviewed the latest developments with the MS4 permit (Maine's General Municipal Separate Storm Sewer System Permit). The MS4 permit was issued last summer with the requirement that all regulated municipalities adopt an ordinance requiring the use of Low Impact Development (LID) techniques. LID means development projects must manage and treat stormwater onsite in various ways. The Maine Board of Environmental Protection (BEP) said that the ordinances had to include at least 10 LID elements with different strategies to achieve those elements. DEP put this language in the modified permit and included a table with the ten elements and suggested strategies. The municipalities in our watershed submitted draft ordinances that clearly did not meet these terms. Despite this, DEP approved them in a letter which openly acknowledged the inadequacies.

We appealed approval of these draft ordinances to the BEP. In response, the Cumberland County Soil and Water Conservation District (CCSWCD) filed a motion to dismiss. Their motion claimed that we could not appeal approval of the ordinances and that we filed the appeal late. The CCSWCD likely chose this tactic because it will be hard to challenge our appeal for substantive reasons, given the DEP's acknowledgement in the approval letters that the ordinances are inadequate.

We opposed the motion. We tried to achieve two goals: (1) show that we properly and timely appealed from the approval letters, and (2) try to get a critical piece of evidence (an EPA letter we obtained after filing the appeal) into the record that we were precluded from directly adding to the record. We added a footnote to our brief explaining why the piece of evidence was necessary to the BEP's consideration of the Appeal. Following that, the DEP asked the BEP to add the evidence to the record. The BEP ruled in our favor and accepted the EPA letter into evidence. The Appeal will now move forward.

Seb asked when the appeal will move forward. Ivy said the BEP will set a deadline for responses to our appeal and a decision may be issued this summer. Howard asked if EPA was considering revoking Maine's delegated authority. We do not think so and we do not want that to happen either. We just want the state to do their job.

Pat said Ivy and Heather did an excellent job. Ivy said that of all their work this year, she and Heather are most proud of this opposition. Howard said he thinks this shows that enforcement is as important as regulation and legislation.

Moving to discuss PFAS, Ivy said the PFAS memo is a great example of the in- depth review of science and policy that we do whenever we work on a new issue.

Heather began her PFAS presentation. She said she wrote this technical PFAS memo about science and legislation for Ivy and Mike. PFAS is widely used in a large number of consumer and industrial applications. It is mainly used in applications to resist heat, stains, and water. In Maine, PFAS testing in mussel and fish tissue is used because they show contamination in the environment and potential human exposure through seafood. In past years most mussel and fish samples did not detect PFAS. But with new lab methods and reporting limits for PFAS, DEP revamped their testing in 2019-2020. Heather said that 10 types of PFAS were detected in these recent tests. Specifically, PFOS (a kind of PFAS) was detected in Fore River mussel samples for the first time, which is important because PFOS is the only PFAS chemical for which Maine has a fish tissue action level. Inland samples of fish tissue found PFOS above Maine action levels in May 2022. Maine CDC issued new freshwater fish consumption advisories on seven waterbodies, including the Presumpscot River from Saccarappa Falls in Westbrook to Presumpscot Falls in Falmouth.

In 2020, Brunswick Area Citizens for a Safe Environment tested mussel samples in Mill Creek, near the old air force base which is known to be a source of PFAS. Heather said that PFOS was highest at the mouth of the creek and not found at control sites. In 2015 and 2016, NOAA's Mussel Watch program partnered with the Gulf of Maine Council on the Marine Environment's Gulfwatch program and found PFAS in five mussel samples in Gulf of Maine. At Friends of Casco Bay, we collected two water samples for PFAS analysis from the Presumpscot River last summer. It is notable that we sampled ambient water quality as opposed to fish tissue. Ambient water quality standards are only now being developed. Two PFAS substances were detected upstream. The same two substances were detected at higher amounts downstream from the wastewater facility and paper mill discharges. Two additional PFAS substances were detected downstream as well.

Heather said that she reviewed many kinds of federal regulations with respect to PFAS. For the purposes of this presentation, she is going to focus on the Clean Water Act. Currently, there are no federal limits on PFAS discharges into surface waters under the Clean Water Act. EPA has plans to use its existing authority to limit PFAS pollution and increase monitoring. EPA plans to publish recommended ambient water quality criteria to protect aquatic life and human health. Maine has passed a number of PFAS regulations, which Heather discussed in the memo. Focusing again on the Clean Water Act, there are no PFAS criteria for discharges. In October 2022, DEP started a monthly PFAS sampling project for ambient water quality. Those results will become available once they are assessed for quality control. They will be used by DEP to adopt PFAS limits throughout the state. Once those criteria are implemented, DEP will need to incorporate them into Clean Water Act discharge permits.

Heather said the intention of this memo was to create a scientific and legal base of knowledge for our internal discussions. This knowledge is important for us to maneuver with respect to this issue moving forward. Pat asked if anyone has considered sampling sediment. Sediment samples often show higher levels of contaminants than water samples. Heather said that general sediment testing will occur in the Royal River by the Army Corps of Engineers, and that we want to suggest that PFAS be tested for as well. Ivy said that when we see opportunities like this, we will ask that PFAS to be tested for. Pat asked about the status of the Maine PFAS lawsuit against DuPont. Heather said that Sarah Woodbury of Defend Our Health gave an overview of the issue at a recent meeting. The lawsuit has been filed and it will take

many years. This lawsuit is specifically intended to reimburse Maine for PFAS remediation and related efforts.

Howard said that at a recent Casco Bay Estuary Partnership meeting, the Portland Water District was emphatic that they are having a difficult time disposing of their sludge (wastewater sludge is known to be contaminated with PFAS). The District said that if conditions do not improve, they have only 2-3 weeks of sludge storage capacity. After that they will not be able to process waste and it will have to be discharged into receiving waters. Howard said that the sludge could be an excellent opportunity for testing. Heather said our understanding is that Casella, the company that is contracted by the state of Maine to operate the state's landfill, has manufactured this sludge disposal crisis. According to DEP, there remains plenty of capacity to dispose of the sludge. Howard said that the South Portland wastewater treatment facility has to do a lot of work and spend a lot of money to get Casella to dispose of the sludge. This is going to cost municipalities a lot of money, a cost which is passed onto citizens. This issue may expand very quickly.

Ivy said that the initial issue with PFAS in Maine was that there is PFAS in wastewater sludge, which was being spread on farm fields as fertilizer. Ivy said that when she talked to Scott Firmin at the Portland Water District, he thinks that the disposal issue is real and was not manufactured by Casella. Heather said that there is also a proposal to ship it elsewhere. Howard said that one proposed "elsewhere" is Canada, which does not want our sludge. Pat said there is no elsewhere, it hurts us and the environment wherever it is.

Seb asked what our goals are with respect to PFAS. Where do we see our work going with this issue? Ivy said we are evolving our thinking. On the science side, we know there should be more ambient water quality monitoring and we can help with that. On the regulatory side, there are many groups working on farms and drinking water contamination. We are interested in figuring out how we can protect the Bay. For example, there are recent instances where firefighting foam (which contains PFAS) was discharged into the stormwater system, which ends up in the Bay. When this happened, DEP said that they do not know what an adequate cleanup would look like. We will think about crafting solutions that are protective, whether through legislation or rulemaking. Seb said he would like to see another discussion on this because there are a lot of other things to talk about.

**Adjournment** – Sandy adjourned the meeting at 7:30 p.m.