

RESOLUTION IN SUPPORT OF ACTION TO RESTORE THE ROYAL RIVER

Land and Water Acknowledgement

WHEREAS we recognize that the Town of Yarmouth occupies the traditional homeland and unceded territory of the Wabanaki people, the original caretakers of this watershed who have had a sacred connection for millennia with the Royal River, which they call “Westcustogo”;

Ecological Impact of Royal River Restoration

WHEREAS the Royal River is the second largest source of freshwater for Casco Bay with historic runs of sea-run (migratory) fish populations;

WHEREAS restoration of the Royal River by removing barriers to connectivity will enable reestablishment of populations of sea-run species, including: river herring (alewife and blueback herring), keystone species in the local freshwater and marine ecosystem which are often harvested for lobstering bait; American eel, Maine’s second most lucrative marine fishery, with a significant harvest at the river’s mouth; American shad; brown trout; sea-run brook trout; and our native sea lamprey;

WHEREAS the return of sea-run fish to the Royal River watershed will support fisheries in the river, Casco Bay and beyond, while transporting nutrients among these ecosystems to support the larger food web including shellfish, birds, and mammals;

WHEREAS restoration of the Royal River would produce more biodiverse, climate resilient ecosystems and improve water quality to support aquatic life;

WHEREAS we recognize that any plan that involves a lowering of the Royal River’s water level must include measures designed to stabilize and mitigate the spread of invasive species on exposed riverbanks;

Assessment of Barriers to Fish Migration and Habitat Connectivity

WHEREAS we recognize that the fishway structures at Bridge Street and East Elm Street, even if fully rehabilitated and monitored, are not designed to maximize fish passage or achieve habitat connectivity and restoration, and would require expenditures for operation and maintenance, safety, and, eventually, complete replacement at a cost expected to be borne by Yarmouth taxpayers;

WHEREAS we recognize that the Town-owned dam structures at Bridge Street and East Elm Street do not currently provide hydroelectric power, have no practical plans for providing hydroelectric power, and, if they are to remain in place, would require expenditures for operation and maintenance, safety, and, eventually, complete replacement at a cost expected to be borne by Yarmouth taxpayers;

WHEREAS we recognize that dam and fishway removal at Bridge Street and East Elm Street are the most cost-effective means for maximizing fish passage and achieving habitat connectivity and restoration;

WHEREAS we recognize that Middle Falls and the channel around Factory Island present potential barriers to fish passage that require further study, monitoring of fish movement and, as needed, steps to improve fish passage;

Cultural, Economic and Recreational Impacts

WHEREAS restoration of the Royal River by removing barriers to connectivity will benefit commercial fishing by directly or indirectly increasing populations of commercially valuable fisheries;

WHEREAS we recognize that removal of barriers in the Royal River will likely increase recreational fishing, whitewater kayaking and nature watching;

WHEREAS we recognize that changes in the Royal River's depth and flow will likely affect opportunities for other types of river recreation; however, we believe that the ecological and cost benefits of restoration vastly outweigh any negative impacts;

WHEREAS we plan to mitigate obstacles to recreation and maintain access to and use of the river for recreation through the Yarmouth-North Yarmouth Joint Committee on Ecology & Recreation;

WHEREAS we recognize concerns expressed by businesses based in Yarmouth's harbor regarding the possibility of increased dredging costs arising from dam removal; but likewise recognize that recent studies by USACE and others show that the risk of harm from increased toxicity or from increased sediment production, transport and deposition in the harbor is very low;

Maintaining Flow around Gooch Island

WHEREAS we recognize that Gooch Island and the channel to its north provide habitat for fish, nursery habitat for ducks and geese, and foraging habitat for multiple species of invertebrates, fish and birds, including the great blue heron, bald eagle and state endangered black-crowned night heron;

Impact to the Foundry Channel

WHEREAS we recognize that lowering the level of the Royal River will reduce the depth and velocity of water flowing through the Foundry Channel except during larger flow events;

The Royal River Task Force

WHEREAS the Royal River Task Force recommended that the Town (1) fully remove the Bridge Street dam and fishway; (2) survey and monitor fish movement to assess effective fish passage at Middle Falls, and employ incremental adaptive management strategies, beginning with less expensive options, to ensure effective fish passage; and (3) at least partially remove the East Elm Street dam and fishway, while including design components to ensure flow around Gooch Island;

Monitoring and Adapting to Future Circumstances

WHEREAS we recognize that testing and modeling of modifications to a living, changing river and watershed cannot perfectly predict the future and that monitoring and adaptation will be necessary;

NOW THEREFORE, BE IT RESOLVED that the Town Manager is hereby directed and authorized to pursue the following actions in connection with restoration of the Royal River, including as appropriate, by entering into contracts with agencies, nonprofit organizations, and contractors who can engage in these tasks efficiently, safely and effectively, including minimizing the release of sediment during or immediately following the approved work:

1. Remove the dam and fishway at Bridge Street;
2. Implement an adaptive management plan at Middle Falls, including surveying the back channel for effective fish passage planning, monitoring and evaluating fish movement, followed, as needed, by incremental modifications to the back channel or main stem to facilitate fish passage;
3. Remove the dam and fishway at East Elm Street, with design elements that ensure continuous flow of water around Gooch Island while minimizing the Town's future operation and maintenance costs, and respecting the recorded obligations of the Town with regard to the abutting property at 161 East Elm Street;
4. Plan and implement revegetation efforts to establish healthy riparian habitat and to stabilize and mitigate invasive species on exposed riverbanks in Yarmouth and North Yarmouth; and
5. Adaptive management of each of these tasks to ensure that river restoration and fish passage are successful.

(collectively, the "Approved Work")

BE IT THEREFORE RESOLVED that the Town Manager is not authorized to secure funding for the Approved Work from Yarmouth property tax revenue, but shall pursue and secure funding for the Approved Work from other sources, such as federal and state agencies, nonprofit organizations and philanthropies.

BE IT FURTHER RESOLVED that the Town shall support efforts by the Yarmouth-North Yarmouth Joint Committee on Ecology & Recreation to secure funding from sources other than Yarmouth or North Yarmouth property tax revenue, such as federal and state agencies, nonprofit organizations and philanthropies, for project costs related to maintaining recreation and access to recreation on the Royal River, protecting riverbanks from erosion, mitigating invasive species on the riverbanks, and protecting paddlers, watercraft, and harbor infrastructure from trees transported downstream.

BE IT FURTHER RESOLVED that the Town pursue the following actions, using sources other than Yarmouth property tax revenue to the extent possible, and using Tax Increment Financing (TIF) funds when appropriate and available:

- the Town shall plan for and implement public safety protocols for conditions resulting from lower water levels on the Royal River, including community education, cautionary signs, safety lines and buoys near bridges and waterfalls;
- the Town shall study whether water flow can be maintained through the Foundry Channel for public safety, invasive species management and aesthetic purposes while prioritizing the maintenance of sufficient water flow for fish passage at East Elm Street;
- the Town shall, in light of the non-zero risk of harm to the harbor-based businesses from dam removal, support these businesses' efforts to obtain and finance risk mitigation insurance.