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March 18, 2009

Charles Owen Verrill, Jr.
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VIA UPS NEXT DAY DELIVERY

Irene B. Brooks, Chair
International Joint Commission
United States Section
2401 Pennsylvania Avenue, NW, 4th Floor
Washington, DC 20440

Herb Gray, Chair
International Joint Commission
234 Laurier Avenue West
22nd Floor
Ottawa, ON K1P 6K6
Canada

Re: Request for Amendment of the Orders of Approval for Dams on the St. Croix River to Allow Alewife Passage

Dear Chairs Brooks and Gray:

This request is submitted on behalf of the Natural Resources Council of Maine, the Atlantic Salmon Federation, and Maine Rivers. These organizations have members in the United States and Canada who have a vital interest in the St. Croix River and the damage occasioned by the prevention of alewife passage at dams subject to the jurisdiction of the Commission pursuant to the *Boundary Waters Treaty*. There are 48 U.S. and Canadian organizations listed in Annex A that also have an interest in alewife passage on the St. Croix and support this request.

In 1987 more than 2.6 million alewives swam up the St. Croix River to reach their ancestral breeding grounds. In 2008, only 12,261 alewives returned from the Atlantic. This extraordinary depletion of a valuable resource was caused by a Maine state law that closed fishways at the Grand Falls and Woodland Dams along the river. In 2008, the Maine Legislature again voted to keep alewives out of 98 percent of their ancestral waters, only opening up passage at the Woodland Dam, the second lowest dam on the St. Croix River.

Alewives are a critical component of river ecosystems in Maine and New Brunswick. They serve as a crucial food source for numerous species of fish and birds and are prized bait for lobstermen and ground fishermen. Unfortunately, opposition from a group of freshwater fishing guides has convinced Maine legislators over the past decade that alewives will hurt smallmouth bass, a non-native species in Maine that is popular with some anglers. Peer-reviewed science

has demonstrated that sea-run alewives pose no threat to smallmouth bass, and in fact the two species coexist in lakes throughout Maine and the Northeast[1].

The International Joint Commission ("IJC") has the power to authorize dams on the St. Croix River under the *Boundary Waters Treaty*.[2] We ask the IJC to act pursuant to its unique role and capabilities under the Treaty to condition its authorization for dams on the St. Croix River on allowing alewife passage. Restoration of fish passage for alewives on the St. Croix will provide tremendous ecological and economic benefits for the region.

I. The Importance of Alewife Passage

Alewives are an anadromous fish species native to the North Atlantic seaboard. As the IJC itself recently found in its Watershed Report, they serve as a critical component to the river ecosystem as a source of food for many species of fish including trout, salmon, striped bass, bluefish, cod, and pollock. They are also a food source for bald eagles, ospreys, otters, seals, and other species of birds and wildlife.[3]

In the 1980s the population of smallmouth bass, a non-native species, was sharply reduced in the St. Croix watershed, and a group of smallmouth bass fishing guides mistakenly blamed native alewives for this problem. Responding to their complaints, the Maine legislature enacted a requirement in 1995 that the St. Croix be closed to alewives, despite opposition from the Maine Department of Marine Resources ("DMR"), which had made substantial and successful efforts to restore alewife runs to the river. In 2001 and 2008 there were efforts in the Maine legislature to reverse the 1995 law, but they failed in the face of continued opposition from the smallmouth bass fishing guides.

Opponents of alewife passage have mistakenly relied on hunches in the face of solid scientific research showing that alewives pose no threat to the bass

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[1] See: T.V. Willis et. al, 2006. Two reports on alewives in the St. Croix River. Accessed at: http://www.mainerivers.org/MaineRiversStCroixReportFinal.pdf. See also F.W. Kircheis, et al. Analysis of Impacts Related to the Introduction of anadromous Alewife into a small Freshwater Lake in Central Maine, Main DIFW, Maine DMR, Main DEP (2004).

[2] Boundary Waters Treaty, January 11, 1909, ##p//IJC.org/rel/agree/water.html#text.

[3] See St. Croix River, State of the Watershed Report, Maine and New Brunswick, IJC, 2008 at 17-18. ("Anadromous alewives are important to the ecology of freshwater, estuarine, and marine environments.")

population. Alewives and smallmouth bass can coexist in the St. Croix, just as they do in other waterbodies from the Canadian Maritimes to the Carolinas. Importantly, alewife restoration has already seen tremendous success in the Kennebec River and other rivers across New England without adverse effect on other species.[4]

The St. Croix River basin is particularly important for the region, covering approximately 625 square miles in New Brunswick and 1,010 square miles in Maine. The DMR has stated that the potential St. Croix alewife run is almost as great as those of the Penobscot and Kennebec Rivers combined![5] It is time to restore the impressive alewife runs to this region and reestablish a key component of the river basin's ecosystem.

II. IJC Authorization for the St. Croix Dams

The St. Croix River forms an international boundary between the United States and Canada, and the river basin spreads across both New Brunswick and Maine. As a result, the freshwater and anadromous fish resources of the St. Croix are inter-jurisdictional resources.

Trans-boundary problems can be particularly difficult for state and provincial governments to address, and so it has been with this issue. Narrowly focused special interests on one side of the border can assert disproportionate influence within local governments, leading to public policies that fail to adequately reconcile competing interests and harm the trans-boundary region as a whole. The United States and Canada created the International Joint Commission precisely to provide a solution for issues such as the St. Croix alewife controversy.

Under the *Boundary Waters Treaty* the IJC has the authority to approve dams built on boundary waters. Specifically, Article VIII of the Treaty provides the commission with "jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of water..." in circumstances such as those involved in the matter at issue here.

In November of 1997, the IJC completed a review of its orders of approval for the St. Croix River and largely maintained the status quo. Since there are new

[4] See State of the Watershed Report, supra at 18 and the numerous authorities cited.
[5] See attached "alewife map" of Maine (Annex B). Received via personal communication from Gail Wipplehauser, Maine DMR, on December 29, 2008.

developments and evidence, particularly as presented in the Watershed Report, we ask that the IJC again review its orders of approval for these dams, and this time condition approval on opening all of the dams on the river to alewives. It is evident that the current orders of approval fail to address the full biological and economic potential of native alewives as a resource as required by Article VIII of the Treaty. In addition, closing fishways at dams on the St. Croix during the alewife migration also results in a lack of safe, timely and effective fish passage for landlocked and sea-run Atlantic salmon, brook trout, blueback herring, sea lamprey and other resident and diadromous fish native to the St. Croix watershed. New science also suggests that Gulf of Maine ground fisheries, once so important to both Maine and coastal Canadian communities, will never recover without healthy alewife runs. The Commission's Report on the State of the Watershed provides a compelling case to reconsider the prior approval.

The U.S. Department of the Interior, the U.S. Department of Commerce, the Canadian Department of Fisheries and Oceans, and the Maine DMR all supported the 2008 legislation to restore alewife passage on the St. Croix[6]. In addition, there is substantial public support behind restoring alewives to the St. Croix, as evidenced by the many organizations from the United States and Canada that have indicated their support for this petition. (See Annex A.) Their position demonstrates the broad-based support for fish passage on both sides of the border.

The United States and Canada have granted the IJC the power to resolve this matter under Article VIII of the Treaty through issuing revised orders of approval for dams on the St. Croix. Revised orders would restore native alewives to the watershed, allowing citizens in both the United States and Canada to realize this valuable international resource's potential.

III. Conclusion

This is not an unprecedented request. Recently the IJC decided to review its orders of approval for the Lake Ontario-St. Lawrence River System because of the environmental concerns of many members of the public. The fish passage problem on the St. Croix presents similar and equally important reasons for review and modification of the orders of approval.

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[6] See attached testimony from DOI, DFO and Maine DMR on LD 1957, An Act to Restore Anadromous Fish in the St. Croix River (Annex C).

We strongly urge you to initiate proceedings appropriate to a comprehensive review of the orders of approval for the St. Croix River in light of the harm caused by dams closed to fish passage. We are confident that a public review, and the scientific evidence that is available for consideration, will demonstrate compelling reasons for the IJC to condition its approval for the St. Croix dams on opening the existing fish passage at the dams on the river to alewives.

We are prepared to work with you and your staff to develop equitable procedures for the initiation and conduct of the review that would permit all interested persons to present their views. Thank you for your time and consideration for this important matter.

Sincerely,

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Nick Bennet,
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Atlantic Salmon Federation
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Canada
902.628.4349

Maine Rivers
Landis Hudson
81 Bridge Street
Yarmouth, Maine 04096
207.623.2157

Annex A
Organizations that Support the Request
For Amendment of Approval for Dams on the St. Croix River to Allow Passage of Alewives

1. ACAP Saint John, Tim Vickers, Executive Director, 506.652.2227
2. Alewife Harvesters of Maine, Jeffrey Pierce, 207.737.9051
3. American Rivers, Andrew Fahlund, Vice President for Conservation,, 202.347.7550
4. Ardea EcoExpeditions LLC, Darrin Kelly, President, 207.460.9731, info@ardea-ecoexpeditions.com
5. Bar Harbor Whale Watch Company, Zack Klyver, President, 207.288.2386, zackklyver@yahoo.com
6. Blue Ocean Institute, Carl Safina, Ph.D., President, 516.922.9500
7. Canadian Parks and Wilderness Society (CPAWS), Roberta Clowater, Executive Director, NB Chapter, 506.452.9902
8. Canadian Wildlife Federation, Leigh Edger, Conservation Researcher, 613.599.9594
9. Coalition for the Atlantic Herring Fishery's Orderly, Informed, and Responsible, Long-Term Development (CHOIR), Steve and Chris Weiner, 207.646.7321
10. Conservation Council of New Brunswick Inc., David Coon, Executive Director, 506.458.8747
11. Conservation Law Foundation, Sean Mahoney, Maine Advocacy Center Director, 207.729.7733
12. Downeast Lobstermen's Association, Sheila Dassatt, Executive Director, 207.338.1406
13. Downeast Salmon Federation, Dwayne Shaw, Executive Director, 207.483.4336, dsf@panax.com
14. Earthjustice, on behalf of The Herring Alliance, Roger Fleming, Esq., 978.846.0612
15. Eastern Charlotte Waterways Inc., Peggy Thompson, Executive Director, 506.456.6001

16. Fort Folly First Nation, Joseph Knockwood, Band Chief, 506.379.3400

17. Fort Folly First Nation Habitat Recovery Program, Wendy Epworth, Biologist/Manager, 506.379.3401

18. Friends of Merrymeeting Bay, Ed Friedman, Board Chair, Research and Advocacy, 207.666.3372

19. Fundy Baykeeper, David Thompson, Baykeeper, 506.650.5849

20. Hammond River Angling Association, Barry Carr, President, 506.832.1230

21. Kennebecasis Watershed Restoration Committee, Ben Whalen, Project Manager, 506-433-4394

22. The Lobster Conservancy, Diane Cowan, Ph.D., Executive Director and Senior Scientist, 207.832.8224

23. Maine Audubon, Jennifer Burns Gray, Staff Attorney and Advocate, 207.781.6180, ext 224 jgray@maineaudobon.org

24. Maine Chapter of the Sierra Club, Ken Kline, Esq., Conservation Chair, 207.288.5015, ksc@coa.edu

25. Maine Council of the Atlantic Salmon Federation of America, Don Foster, President, 207.989.6688 Donfoster@aol.com

26. Maine Council, Trout Unlimited, Dan Daly, Chair, 207-236-8834

27. Maine Lobstermen's Association, Patrice McCarron, Executive Director, 207.967.4555

28. Maliseet Nation Conservation Council, Tim Paul, Executive Director, 506.472.8803

29. Meduxnekeag River Association, Inc., Stephen Wilson, President, 506.328.8227

30. Moncton Fish and Game, Clarence Donelle, President, 506.388.3175

31. Nashwaak Watershed Association, Inc., Bill Gammon, President, 506.459.6663

32. Nature Conservancy of Canada - Atlantic Region, Linda Stephenson, Regional Vice President, 506.450.6010, Pamela Noel, Program Manager

33. National Wildlife Federation, Northeast Regional Center, National Wildlife Federation, Don Hooper, Northeast Regional Representative, 802.229.0650

34. New Brunswick Salmon Council (NBSC), Tom Benjamin, President, 506.832.1230

35. Nature Trust of New Brunswick, Ken Hirtle, President, 506.457.2398, Margo Sheppard, Executive Director(Two trustees are on the St. Croix Committee of the IJC)

36. New Brunswick Environmental Law Society, Michel DesNeiges, Supervising Attorney and Director, 506.389.8999

37. New Brunswick Wildlife Federation, Roland Michaud, President, 506.459.7197

38. Ocean Conservancy, John Richardson, New England Fish Conservation Program Manager, 207.879.5444

39. Oromocto Watershed Association Inc., Robin Hanson, President, 506.357.8888

40. Penobscot East Resource Center, Ted Ames, Vice-Chair and Hatchery Director, 207.367.2473

41. Petitcodiac Sportsman Club, John Corbett, President, 506.756.8644

42. Quoddy Futures Foundation, Art MacKay, President, Kim Reeder, Executive Director, 506.467.9905

43. Quoddy Regional Land Trust, Alan Brooks, Executive Director, 207.733.5509

44. Recreational Fishing Alliance, Barry Gibson, New England Regional Director, 609.404.1060

45. Sentinelles Petitcodiac Riverkeeper, Tim Van Hinte, Riverkeeper, 506.388.5337

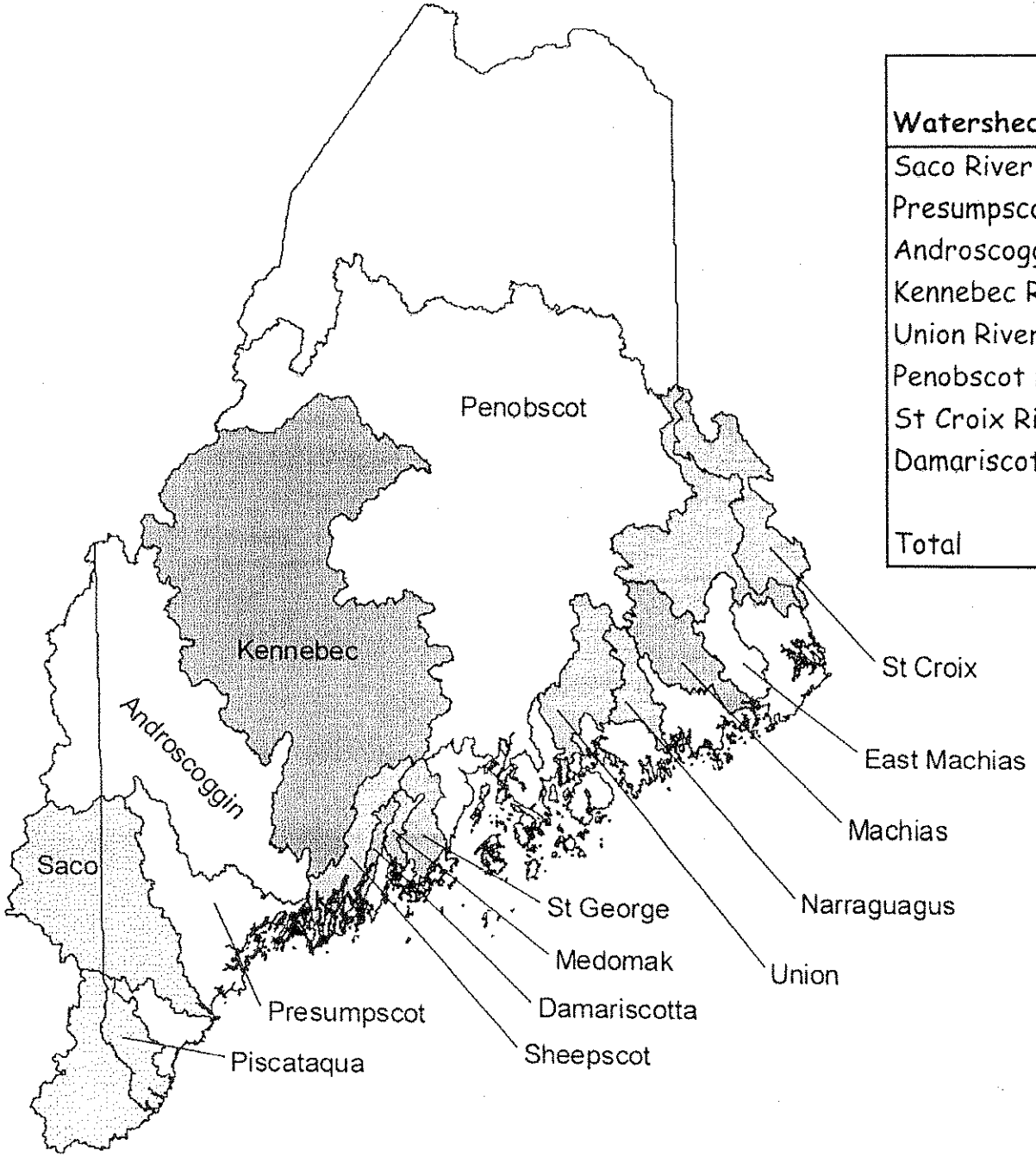
46. Trout Unlimited Canada (TUC), Jack Imhoff, National Biologist, 519.824.4120

47. Trout Unlimited, Elizabeth Maclin, VP Eastern Conservation, 703, 284-9437

48. The Wilderness Society, Jeremy Shaeffer, Marine Projects Director, 207.626.5553 JeremyShaeffer@tws.org

Maine's alewife resources

Maine Department of Marine Resources



Watershed	Alewife potential
Saco River	720,630
Presumpscot River	147,700
Androscoggin River	2,300,000
Kennebec River	11,143,086
Union River	2,000,000
Penobscot River	14,561,305
St Croix River	22,660,000
Damariscotta	1,034,000
Total	54,566,721

United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

January 31, 2008

Mr. George Lapointe, Commissioner
Maine Department of Marine Resources
21 State House Station
Augusta, Maine 04333-0021

Dear George,

The U.S. Fish and Wildlife Service - Gulf of Maine Coastal Program and Maine Field Office support reopening diadromous fish passage in the St Croix River and is committed to continue working with staff of the Department of Marine Resources and the St. Croix International Waterway Commission to help identify potential funds for population monitoring and diadromous fish recovery on the St. Croix River.

Since 1995, the USFWS-Maine Fisheries Resources Office and the Gulf of Maine Coastal Program Office have contributed toward working to restore diadromous fish to the St. Croix watershed, in partnership with others on the St. Croix International Waterway Commission - Fisheries Steering Committee (SCIWC). Since the time of the fishway closures, USFWS funds have been provided to the Maine Department of Marine Resources (DMR) and/or SCIWC to conduct annual monitoring at the Milltown Dam. Since 2003, the USFWS-Gulf of Maine Coastal Program Office has continued to provide assistance for annual monitoring at Milltown and for critical St. Croix River initiatives such as the Maine Rivers Alewife Outreach and Education Project; funding for the construction of a new trap for monitoring at the Mill town dam; and serving on the Scientific Advisory Committee and providing funds for the 2006 Maine Rivers project that resulted in *Two Reports on Alewives in the St. Croix River:* St. Croix River Alewife – Smallmouth Bass Interaction Study by T.V. Willis and Genetic Analyses of Freshwater and Anadromous Alewife (*Alosa pseudoharengus*) Populations from the St. Croix River, Maine/New Brunswick by P. Bentzen and I.G. Paterson.

Clearly, restoring native diadromous fish species to historic habitat in the St. Croix River watershed is a priority for USFWS. Passage of alewife on the St. Croix River, by ensuring that the fishways on the Woodland Dam and Grand Falls Dam on the St. Croix River are configured or operated in a manner that allows passage, is a critical first step toward the recovery of this priority watershed.

There has been a demonstrated ongoing commitment by partners in the watershed to monitor fish populations at Milltown and in the watershed, and to implement other projects as needed. This partnership to monitor and assess fisheries in the watershed will continue once the St. Croix

River fishways are re-opened for the passage of alewives and other native diadromous fish. It is expected to take decades for the alewife run to recover to even a portion of what the run was prior to the closure of the fishways in 1995. To support these restoration efforts, the entire alewife run should be passed and continued monitoring at Milltown and Grand Falls over this period would allow for the resolution of an appropriate number. This information should serve to help to adaptively manage the population's recovery throughout the watershed. As in previous years, the USFWS will continue to work with DMR and SCIWC to restore diadromous fish populations and to help identify potential funding for priority fisheries evaluations on the St. Croix River.

Please feel free to contact us if we can provide additional information.

Sincerely,

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TESTIMONY OF

PATRICK KELIHER, DIRECTOR
BUREAU OF SEA RUN FISHERIES AND HABITAT
MAINE DEPARTMENT OF MARINE RESOURCES

SPEAKING IN SUPPORT OF LD 1957

"AN ACT TO RESTORE DIADROMOUS FISH IN THE ST. CROIX RIVER"

BEFORE THE JOINT STANDING COMMITTEE ON

MARINE RESOURCES

DATE OF HEARING

March 3, 2008

Senator Damon, Representative Percy, Members of the Joint Standing Committee on Marine Resources. My name is Pat Keliher. I am the Director of the Bureau of Sea Run Fisheries and Habitat within Department of Marine Resources.

I am here to speak on behalf of the Administration in favor of LD 1957, An Act To Restore Diadromous Fish in the St. Croix River. While the Departments of Inland Fisheries and Wildlife (DIFW) and the Department of Marine Resources (DMR) support the intent of this legislation, we believe that a conservative approach to alewife recovery in the St Croix is needed. At the end of my testimony I will outline an approach that allows the Agencies to collaborate on diadromous fish restoration within the St Croix.

Both juvenile and adult alewives are prey for fishes, birds, and mammals. Nesting eagles and their young depend on alewife runs when the need for high quality food is at its highest. Nesting pairs have been stable since 1995, but the large foraging aggregations seen daily along the Saint Croix below Grand Falls Dam during the 1980s and early 1990s no longer occur. Large alewife runs were historically important as seasonal forage for groundfish as they moved to inshore ledges to spawn in the spring. They are also very effective in transferring nutrients from the marine system to less productive freshwater environments. Conversely, juvenile out-migrants complete the cycling by transferring nutrients back to the ocean environment. The alewife is also a very important source of bait for the lobster industry in the spring months. Small coastal fisheries supplied 1.2 million pounds of bait to the industry in 2006.

Anadromous (sea-run) alewives enter our coastal rivers in May, migrating upriver to spawn in lakes and ponds. The juveniles spend 45 to 120 days in the system before starting their outward migration back to the ocean. They will spend the next 4 to 5 years in the ocean before returning to their natal waters to begin the cycle again. It is this life history that makes the alewife such a keystone species in our river and coastal ecosystems.

We believe that the opposition to alewives comes from a misunderstanding of how they interact with other species. In an effort to determine if there was a negative interaction between alewife and smallmouth bass, Maine Rivers, a local NGO, sponsored a study by Dr. Theo Willis (Willis 2006). *The St. Croix River Study* analyzed data collected by biologists from the Department of Inland Fisheries and Wildlife (DIFW) over a period of time when alewives where present in both low and high densities. This thorough study found that:

- The presence of alewives did *not* harm smallmouth bass in terms of length, condition or growth;

- Alewives were not significant predators on smallmouth bass, and only a tiny proportion of the diet of adult anadromous alewives consisted of other fish;

- In most lakes, young-of-year smallmouth bass and young-of-year alewives did not have an ecologically significant overlap in diet, and competition for food between the two species did not appear to be important; and

- In the one lake in which diets were similar, populations of bass and alewives had coexisted for over a century.

Also important to note, smallmouth bass tournament returns in the past few years were similar in lakes with and lakes without alewives, suggesting that the quality of sport fishing for bass does not differ systematically between lakes with and lakes without anadromous alewives.

DIFW and DMR are aware that landlocked alewives exist within the St Croix watershed. Genetic tests have shown that these landlocked alewives are genetically distinct from the anadromous alewife populations in the St. Croix and in other investigated watersheds. They are most certainly the result of an independent - illegal - introduction from lakes outside the watershed, and are not the result of a shift in alewife life history strategy within the watershed.

The most comprehensive study conducted in Maine concerning interactions of sea-run alewives with freshwater fish species is *The Lake George Study*. This was a 10-year collaborative study conducted in the 1990s by DMR, DIFW, and the Department of Environmental Protection. *The Lake George Study* investigated the effects of anadromous alewives on water quality, zooplankton communities, and freshwater fisheries.

This comprehensive study examined the effects of stocking alewives at a rate of six adults per surface acre of lake habitat and found:

- Brown trout in Lake George showed no change in average length or weight when compared to the period before alewives were present;

- Young-of-the-year (YOY) landlocked rainbow smelt grew significantly faster during the three years when alewives were present in the lake;

    - Trawl catch rates of smelt were lowest during the period when alewives were stocked in the lake. The lower catch rate of smelt represented a lower density due to high trawl catches in the early years of the study and commercial harvest of adults in 1990 and 1991.

- Young-of-the-year smelt and YOY alewives both fed heavily upon zooplankton, but statistical tests indicated little dietary overlap; and

- The dietary overlap between smelts and YOY alewives occurred during the first year that alewives were present, and declined each year for the next two years.

The *Lake George Study* concluded that alewives had no negative impacts to the overall water quality, zooplankton community, or recreational fisheries.

More recently the local guides have been questioning the potential impact of the reintroduction of alewives on rainbow smelt and landlocked salmon. The principal fishery in the portion of the watershed that alewives will access is for smallmouth bass. The best available science shows that there is no impact to smallmouth bass, rainbow smelt or landlocked salmon. Big Lake does have limited landlocked salmon habitat that DIFW stocks annually with 1500 to 2000 landlocked salmon.

After a thorough review of the science and consultation between DIFW and DMR, the agencies are confident no negative impact to local fisheries will occur with recovery rates consistent with the *Lake George Study* (6 per acre).

Some people have questioned the historical presence of alewives in the St Croix. On the basis of a recently completed report on the *Historical and Current Distribution and Abundance of the Anadromous Alewife*, which summarized historical documents and archeological findings, the Agencies agree with the reports conclusion that anadromous alewives *did* historically migrate above Salmon Falls and Grand Falls.

The St Croix River watershed holds the biggest potential for the restoration of native river herring in the State. Even at lower recovery rates several million adults could return if access to the habitat is allowed. However, in light of the emotion surrounding this species, in this river, the Administration would suggest that the Agencies take a conservative approach, allowing for additional monitoring to be done as the population responds to open, free swim, access to the lower portions of the watershed.

Both agencies are in agreement that allowing diadromous fish to return to the St Croix at low levels will in no way cause harm to other species within the watershed. As such, the Commissioners of DMR and DIFW will enter into a Memorandum of Agreement stating the following:

- Fishways on the Woodland and Grand Falls Dams be reconfigured to operate in a manner that allows the passage of alewives and other native diadromous species.

- That fishways on the Vanceboro Dam (controlled by Canada) and Grand Lake Steam Dam (closed seasonal to protect a DIFW hatchery) remain closed.

- That a population-monitoring program for river herring be developed and implemented at the Milltown and Grand Falls Dams.

- DIFW, with assistance from DMR, will continue to monitor smallmouth bass populations and growth rate.

- The population of river herring (alewives) will be allowed to reach an interim minimum recovery level that equals 6 fish per surface acre of current available habitat– estimated to be 120,000 fish.

- DMR or its agent will allow staggered escapement into the Grand Falls Flowage, Lewy Lake, Long Lake, and Big Lake (see attached map). The excess population will be harvested or used for restoration purposes in other watersheds.

- DMR will not move beyond the interim minimum recovery level of 6 fish per acre until both DIFW and DMR mutually agree on an increase. This increase would be based on new and best available science.

DMR staff has estimated that it will take 10 to 15 years for the population of alewives to reach this minimum interim recovery level. During this time, both DMR and DIFW will continue to collaborate on population and species interaction monitoring within the watershed, and together determine if population growth beyond the interim recovery level should be exceeded.

Thank you for your time, I would be happy to answer any questions.

Fisheries and Oceans Canada | Pêches et Océans Canada

P.O. Box 1035
176 Portland St.
Dartmouth, NS
B2Y 4T3

Your File Votre référence

Our file Notre référence

FEB 2 1 2008

Mr. George LaPointe, Commissioner
Department of Marine Resources
State of Maine
38 State House Station
Augusta, ME 04333

Dear Commissioner LaPointe:

The Canada Department of Fisheries and Oceans has collaborated with Maine, United States and New Brunswick agencies on fisheries management for the St. Croix River system since 1983, through the inter-agency St. Croix Fisheries Steering Committee. This effort has been guided by a "Long-Term Management Plan for the Diadromous Fisheries of the St. Croix River" (1988), a Five-Year (1993-1997) Operational Plan supplementing the former, and the outcomes of ongoing semi-annual Committee meetings.

We appreciate that the issue of fish passage on the St. Croix is complex but believe that access between ocean and freshwater habitats for diadromous species is essential to the health of the St. Croix ecosystem. In 1995, the State of Maine adopted legislation to prevent alewives from ascending the St. Croix River past the Woodland Dam to reach the majority of their native spawning grounds. We understand that a bill (LD 1957) is currently before the Maine Legislature that would remove the current State barriers at Woodland and Grand Falls, thus restoring access to the central section of the St. Croix watershed for alewife and other diadromous fish species.

As you know, these barriers have led to the near extirpation of sea-run alewives from the St. Croix system. Restored passage at these sites will provide the potential for this alewife population to recover viability, providing benefits to other fish, wildlife and piscivorous birds that are part of the area's native freshwater and marine ecosystems.

In 2000, we were signatories to an MOU developed through the St. Croix Fisheries Steering Committee for the initial management of alewives, should the State's Woodland and Grand Falls barriers be removed. This MOU could not be implemented at the time, due to the continued existence of the blockages.

In light of the bill now before the Maine Legislature, we continue to recommend and support actions to restore alewife passage at the Woodland and Grand Falls dams. We further acknowledge that alewife passage at the upstream Vanceboro dam is not under consideration at this time and that, in future, any such consideration would be subject to review and resolution through the St. Croix Fisheries Steering Committee, on which representatives from your Department and the Department of Inland Fisheries and Wildlife sit.

The above are in keeping with the fisheries plans that have been developed and pursued by the St. Croix Fisheries Steering Committee and will provide a valuable fish resource to the river and to the Gulf of Maine.

I trust that you will consider these comments in the spirit in which they are intended: in support of a healthy ecosystem and fisheries resources for the St. Croix River.

Yours sincerely,

Faith G. Scattolon
Regional Director General
Maritimes Region

cc. Commissioner Roland Martin
Lee Sochasky, Executive Director, St. Croix International Waterway Commission