**Maine Must Let Alewives Swim Free in St. Croix River**

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**Clinton B. Townsend**

This is the 100th anniversary of the adoption of the Boundary Waters Treaty by the United States and Canada. The treaty established the International Joint Commission to address international river issues. The St. Croix River forms the boundary between New Brunswick in Canada and Maine in the United States.

Dams on the St. Croix River are under the jurisdiction of the International Joint Commission. On March 18, a petition by the Atlantic Salmon Federation, Maine Rivers and Natural Resources Council of Maine was simultaneously filed with the commission’s offices in Washington and Ottawa, requesting the commission to order opening the dams in the St. Croix River to passage of alewives, a native river herring, to their ancestral spawning grounds in the St. Croix River watershed.

Alewives are ecologically and economically important. They serve as a forage base for fish, mammals and birds, from mink to eagles, from cod to whales. They serve as a buffer against predation on Atlantic salmon smolts, which migrate out of rivers while alewives migrate in. They are important to lobster fishermen as bait when other sources of bait are scarce. Many Maine communities add thousands of dollars annually to their treasuries through the lease of alewife harvesting rights.

The goal of the petition is to undo the harm created by the decision by the state of Maine in 1995 to bar alewives at the dams because of concern over perceived detrimental impact on non-native small mouth bass, an important recreational fishery in Washington County. Since the dams were closed, the number of alewives in the St. Croix River has crashed from more than 2.5 million to less than 12,000.

The petitioners are from both sides of the international boundary. Maine Rivers and the Natural Resources Council of Maine are located in Maine. The Atlantic Salmon Federation is an international organization with headquarters in St. Andrews, New Brunswick.

It has long been a concern of advocates for alewife restoration on both sides of the border that Maine sought to impose its own will unilaterally on a resource which is significant not only to Maine and the United States, but also to New Brunswick and Canada.

In 2007, Maine Rivers published peer-reviewed scientific documentation that alewives are not detrimental to bass, and that in fact 2- and 3-year-old bass thrive on a diet of alewives.

The petition sets out the history of the obstruction of alewife passage by Maine. It spells out the ecological importance of these native fish. It outlines the jurisdiction of the International Joint Commission over the St. Croix dams, and the commission’s authority to order them to be opened for fish passage.

Lastly, the petition requests that the International Joint Commission enter an order requiring that alewives be permitted to pass through the St. Croix River dams to their historic spawning grounds.

In addition to Maine Rivers, Atlantic Salmon Federation and the Natural Resources Council of Maine, 48 nongovernmental organizations from the United States and Canada have signed on in support of the petition, 24 national, regional, and local groups from each side of the border. The full text of the petition and list of signers-on may be seen at the Maine Rivers Web site, [**www.mainerivers.org**](http://www.mainerivers.org/).

On June 17, as part of its celebration of the 100th anniversary of the Boundary Waters Treaty, the IJC held a meeting in McAdam, New Brunswick, at which there was a presentation and discussion of the St. Croix alewife issue. This was the first public step in the process which it is hoped will resolve the conflict once and for all.

It is a shame that it has taken so long for action to correct the 1995 decision by Maine to reach this stage. However, there is no reason why the International Joint Commission cannot review the facts and the law and complete a decision before the alewife run begins in 2010. I urge the American and Canadian members of the commission to apply themselves promptly and diligently to resolution of the issue, and wish them well in their deliberations.

**Clinton B. Townsend** is a lawyer in Skowhegan. He has served on the board of directors of the Natural Resources Council of Maine, Maine Rivers and the Atlantic Salmon Federation.