

-----Original Message-----

From: Keliher, Patrick [<mailto:Patrick.Keliher@maine.gov>]

Sent: Tuesday, November 16, 2010 12:58 PM

To: info@dougwatts.com<<mailto:info@dougwatts.com>>

Cc: 'Dube, Norm'

Subject: RE: MDMR St. Croix MOU

Doug,

First, I agree that this situation is not perfect in anyway and that is why we informed the IJC that they should use their authority to re-open Grand Falls. As for the current situation, as you know the law states that "... Grand Falls Dam is configured or operated in a manner that prevents the passage of alewives." If you look up the definition of Alewife in title 12 you will note it includes bluebacks (this needs to change so the state is consistent with ASMFC). Shad have not been observed in the St Croix for many years and we believe the issues for eel remains downstream not upstream passage.

A sorting facility will cost money - money that we do not have. At this time we will continue to work with the IJC and the tribes and others interested in diadromous restoration to see if we can't find a solution.

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-----Original Message-----

From: info@dougwatts.com [<mailto:info@dougwatts.com>]

Sent: Tuesday, November 16, 2010 11:17 AM

To: Keliher, Patrick

Cc: Dube, Norm

Subject: MDMR St. Croix MOU

Hi Pat,

Norm Dube recently sent me a copy of the 2007 Grand Falls/St. Croix MOU which describes putting stop logs in the Grand Falls Dam fishway to keep alewives from passing through, ie. using the stop logs to only allow leaping salmon to jump over the stop logs. This raises the question of how, for example, juvenile eels can get through the fishway, since we know eels cannot jump like salmon. The same would apply to any bluebacks or shad that are trying to restore themselves to the river.

The Grand Falls situation is not a 'sorting' facility like, say, Benton Falls on the Sebasticook or Lockwood on the Kennebec. Per the MOU description, the Grand Falls situation is more like a brute force, non-selective method that does not discriminate between alewives or bluebacks or shad or eels. They are all, apparently, being prevented from using the fishway from April 1 to July 5, per the MOU.

Until Norm Dube sent me a copy of the MOU a couple weeks ago, I was not aware of this. It's one thing to block just alewives, it's quite another to block all fish except salmon.

So I'm writing this to ask you consider amending the existing MOU so that it conforms with the fish sorting protocols at Benton Falls. Blocking all fish except salmon was clearly not envisioned or ordered by the Legislature in 2007. The Legislature didn't say block eel passage. But the MOU has the effect of doing this. The unintended consequences of the MOU, as far as I can tell, may be resulting in the extirpation of the eel population in the St. Croix above Grand Falls. The Legislature clearly did not intend this to happen.

I'd appreciate your thoughts on resolving this.

Thanks,

Doug Watts
