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EPA Says No To Maine Alewife Law

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ELLSWORTH — The U.S. Environmental Protection Agency (EPA) ruled Monday that a Maine law aimed at keeping river herring out of the St. Croix River basin above the Grand Falls Dam violates the federal Clean Water Act.

The ruling came in response to a request from two conservation organizations, Earthjustice and Friends of Merrymeeting Bay.

In a July 9 letter, Stephen Perkins, director of the EPA's Office of Ecosystem Protection, advised Maine Attorney General William Schneider recent changes to Maine law that required the fish passage at the Grand Falls dam to be closed so that alewives and blueback herring could not pass upstream "effectively revised" the state's surface water quality standards and was subject to prior EPA approval.

According to the EPA, closing the Grand Falls fish passage "degraded" the waterway's habitat by the "artificial exclusion" of fish that would otherwise naturally be present in the river.

Since the 1990s, there has been strong pressure from local fishing camp operators and other business people to keep alewives out of the lakes and ponds above the dam. They contend that the alewives would decimate existing populations of small mouth bass — an artificially introduced species — that are the basis of an economically critical recreational fishing industry.

That argument didn't pass the straight face test with the federal regulators.

"EPA is not aware of any sound scientific rationale," Perkins wrote, "for excluding river herring (or other migratory species) from the St. Croix River."

Alewives are an important source of bait to the Maine lobster industry and a significant component of the diet of fish eating birds such as eagles, ospreys, loons and blue herons. They are also a food source for seals and a wide variety of fresh and saltwater fish.

The EPA ruling comes at a time when the National Oceanic and Atmospheric Administration's Fisheries Service is considering a petition to list river herring as an endangered species. Large quantities of river herring are caught as bycatch by boats fishing for sea herring in the Gulf of Maine.

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