



Environmentalists and Fishermen Bring Earth Day Challenge To Maine Law That Blocks River Herring from Native Habitat

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Washington, D.C. —

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Fishermen and river herring advocates are challenging a 2008 Maine Law that unconstitutionally blocks alewives and river herring from 98 percent of their native habitat in the St. Croix River Basin. Two Maine fisheries officials responsible for placing physical barriers called “stop logs” that prevent fish from migrating past the Grand Falls Dam on the St. Croix River are named in the suit filed today in U.S. District Court.

The 2008 Alewife Law directs Defendants Norman H. Olsen, Commissioner of the Maine Department of Marine Resources, and Chandler E. Woodcock, Commissioner of the Maine Department of Inland Fisheries and Wildlife, to eradicate alewives and blueback herring from their historic spawning and nursery habitat in the St. Croix River basin.

“What the Maine legislature did in response to a few shrill voices is absolutely unconscionable as well as in total violation of the Clean Water Act,” said Ed Friedman, Chairman of Friends of Merrymeeting Bay, one of the plaintiffs. “Neither other fish species dependant on river herring nor the endangered Gulf of Maine groundfishing industry can afford the continued collapse of St. Croix alewives. We need healthy rivers to maintain a healthy Gulf and alewives make that connection.”

Attorney Roger Fleming with the public interest law firm Earthjustice and Attorney David Nicholas are representing Friends of Merrymeeting Bay, Douglas H. Watts, Captain Edward “Ted” Ames, and Kathleen McGee.

“Alewives and river herring are vital cogs in the wheel of the Atlantic Ocean ecosystem,” said Ted Ames, recently awarded a MacArthur Fellowship for his groundbreaking research

on near-shore fisheries ecology. "My research shows that these fish played a critical role as forage for near shore populations of cod and other commercially valuable groundfish population. We must find ways to restore and protect them."

"This law is like ordering that cardinals, bluebirds and chickadees be eradicated from Maine," said Doug Watts, a wildlife photographer who has captured images of alewives for years.

This case specifically challenges a 2008 Maine law ordering Maine fish and wildlife officials to prevent alewives from migrating past the Grand Falls Dam. Prior to implementation of a similar law in 1995, the St. Croix River contained perhaps the largest population of alewives in North America and now only a small remnant remains. The law was put in place at the request of sport fishermen who catch non-native species of bass in that area with the mistaken belief that alewives were negatively affecting their Maine's upstream sport fisheries.

"Good law is based on sound fact," said Fleming. "Law also needs to be consistent with the U.S. Constitution. Maine missed on both counts here."

"A vibrant Maine economy requires a healthy environment which, in turn, necessitates biodiversity in our rivers," said Kathleen McGee. "The St. Croix must be opened to alewives to assure strong economic and environmental vitality."

Additional Information:

Under the U.S. Constitution, the 2008 Alewife Law is preempted by the federal Clean Water Act which establishes strict requirements for maintaining and changing water quality in our nation's waters. Maine's actions have caused the St. Croix River alewife populations to plummet from recent high of 2.6 million fish 1987 to only a few thousand fish today.

Alewives are ecologically, economically, historically, and culturally important to the St. Croix River basin and the entire Gulf of Maine ecosystem. The St. Croix River once produced the largest population of alewives in New England. Today, however, only a small fraction of that former population is found in a short section of the St. Croix River. Alewives play a keystone role in the river and coastal ocean ecosystem, serving as food for many other species of fish, marine mammals, and birds. They are fished for by commercial and recreational fishermen, and are valuable to fisherman and related coastal economies as bait for lobster and recreational fishermen, and as forage for commercially valuable species like cod, halibut, and tuna.

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