

MAINE STATE LEGISLATURE

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REPORT C
INLAND FISHERIES AND WILDLIFE AND MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 287, L.D. 365, Bill, "An Act to Restore the Passage of Alewives on the St. Croix River"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Authorize the Study of Impacts Associated with Alewives in the St. Croix River and Associated Water Bodies'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the St. Croix Fisheries Steering Committee has proposed recommendations for the management of the St. Croix River that include the passage of alewives at the Woodland Dam and the Grand Falls Dam fishways; and

Whereas, the proposed passage of alewives at the fishways located at the Woodland Dam and the Grand Falls Dam may have a significant impact on upstream ecosystems and local economies;

COMMITTEE AMENDMENT

2 **Whereas,** a significant amount of conflicting information
exists regarding the environmental and economic impacts that may
4 result from opening the Woodland Dam and the Grand Falls Dam
fishways to the passage of alewives; and

6 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
8 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
10 safety; now, therefore, be it

12 **Sec. 1. Hiring an independent consultant. Resolved:** That the
Legislative Council, after consultation with the chairs of the
14 Joint Standing Committee on Inland Fisheries and Wildlife and the
Joint Standing Committee on Marine Resources and upon
16 recommendation of the Office of Policy and Legal Analysis, shall
hire an independent consultant to review and evaluate the issues
18 associated with the proposal to allow the passage of alewives at
the Woodland Dam and the Grand Falls Dam fishways on the St.
20 Croix River. The contractor must be unbiased, nonpartisan and
work under the auspices of the Office of Policy and Legal
22 Analysis. The consultant must have expertise in inland fisheries
management and conservation, anadromous fish, economic principles
24 and analysis and governmental relations and have no real or
perceived interests in the St. Croix River or any inland body of
26 water associated with the St. Croix River that would prevent the
consultant from providing a complete and impartial analysis of
28 the issues proposed for study by this resolve; and be it further

30 **Sec. 2. Duties. Resolved:** That the consultant shall review and
analyze existing scientific data and other reliable information
32 to determine:

34 1. The natural history and historic range of alewives
within the St. Croix River;

36 2. The natural history and ecology of the St. Croix River,
38 its tributaries and inland waters surficially connected to the
river or its tributaries;

40 3. The evolution of the sport fisheries associated with the
42 St. Croix River and their economic importance both locally and
regionally;

44 4. Any impact the landlocked alewives and the release of
46 alewives may have on the ecosystem of the St. Croix River, its
tributaries and inland waters surficially connected to the river
48 or its tributaries;

2 5. The impact the proposed release of alewives may have on
the sport fisheries;

4 6. How the Woodland Dam and the Grand Falls Dam fishways
6 and associated fisheries fit into the larger local and regional
economy along the St. Croix River, its tributaries and inland
8 waters surficially connected to the river or its tributaries;

10 7. Possible international, federal and tribal issues that
12 may arise if the fishways remain closed or are opened to the
passage of alewives at the Woodland Dam and the Grand Falls Dam;
and

14 8. Any significant gaps in current information that could
16 significantly alter the conclusions of this study; and be it
further

18 **Sec. 3. Consultation. Resolved:** That, at a minimum, the
20 consultant shall consult with at least the following entities in
conducting the study authorized by this resolve:

22 1. The Department of Inland Fisheries and Wildlife;

24 2. The Department of Marine Resources;

26 3. The Atlantic Salmon Commission;

28 4. The Passamaquoddy Tribe;

30 5. The Penobscot Nation;

32 6. The United States Fish and Wildlife Service within the
Department of the Interior;

34 7. The Department of Fisheries and Oceans, Canada;

36 8. The Department of Natural Resources and Energy, Province
38 of New Brunswick;

40 9. A statewide association that represents the interest of
42 marine recreational anglers;

44 10. A statewide organization that represents hunters and
freshwater anglers;

46 11. A statewide organization that has a mission to
48 conserve, protect and restore North America's trout and salmon
fisheries; and

12. A statewide organization that represents professional guides; and be it further

Sec. 4. Report. Resolved: That the consultant shall submit a final report to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources no later than January 1, 2002. The Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources are authorized to report out legislation during the Second Regular Session of the 120th Legislature regarding the passage of alewives on the St. Croix River; and be it further

Sec. 5. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2001-02

LEGISLATURE

Study Commissions - Funding

All Other \$50,000

Provides funds to hire an independent contractor to study the biological and economic impacts of the proposed passage of alewives at the Woodland Dam and the Grand Falls Dam.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

2001-02

APPROPRIATIONS/ALLOCATIONS

General Fund \$50,000

This bill includes a General Fund appropriation of \$50,000 in fiscal year 2001-02 for the Legislature to hire an independent contractor to study the impact of the proposed passage of alewives at certain dams.

2 The Atlantic Salmon Commission, the Department of Inland
4 Fisheries and Wildlife and the Department of Marine Resources
6 will incur some minor additional costs to consult with a
particular contractor. These costs can be absorbed within the
agencies' existing budgeted resources.'

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SUMMARY

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12 This resolve is a minority report and requires the
14 Legislative Council, in consultation with the chairs of both the
16 Joint Standing Committee on Inland Fisheries and Wildlife and the
18 Joint Standing Committee on Marine Resources and upon
20 recommendation of the Office of Policy and Legal Analysis, to
22 hire an independent consultant to study the biological and
24 economic issues surrounding the proposed passage of alewives at
the Woodland Dam and Grand Falls Dam fishways. The resolve
directs the consultant to work under the auspices of the Office
of Policy and Legal Analysis in consultation with numerous
interested governmental and private organizations and to report
back to the Joint Standing Committee on Inland Fisheries and
Wildlife and the Joint Standing Committee on Marine Resources no
later than January 1, 2002. The resolve also appropriates
\$50,000 from the General Fund to carry out the purposes of this
26 resolve. The amendment also adds an appropriation section and a
28 fiscal note to the bill