

**TESTIMONY OF
Patrick Keliher
Commissioner, Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying
Neither for Nor Against**

**LD 922: An Act Directing the Commissioner of Marine Resources To Investigate the
Conditions of Sheepscot Pond Related to a Management Plan for Anadromous Fish Species**

**Sponsored by Representative Pierce
Date of Hearing: March 22, 2017**

Senator Maker, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, my name is Patrick Keliher, Commissioner of the Department of Marine Resources, and I am testifying on behalf of the Department neither for nor against LD 922.

First, I would like to thank Representative Pierce for bringing this bill forward, as it has allowed both the Department of Marine Resources (DMR) and Inland Fisheries and Wildlife (IFW) a chance to revisit the fish passage issue at Sheepscot Pond.

This bill has several components but the major issue is the passage of alewives during the period of April 15th to June 30th. Commissioner Woodcock and his staff at IFW and I have worked through these type of issues several times, and I appreciate his willingness to engage and consider these issues with an open mind. In the case of Sheepscot Pond, there are two items that are concerning to IFW that create a challenge when considering the passage of anadromous fish. IFW owns and operate not only the dam and fishway, but also the fish hatchery at the outlet of the Pond. For years the Departments have had an informal agreement to not allow the passage of alewives into the pond during the period described in the proposed legislation, as IFW has concerns regarding the potential introduction of disease, and the potential for juvenile alewives to enter the hatchery through its unscreened water intake pipe. I would like to address both of these issues.

First, the issue of disease: there is no evidence that allowing a native fish species to return to their natural spawning grounds spreads disease. IFW took this "precautionary approach" to avoid any and all risk to their hatchery. In order to fully vet this issue we asked our Fish Health Technical Committee for their review. While you can never say "never", it was clear from their deliberation that the risk is minimal and is not increased by opening passage for two months of the year.

Second, the issue of screening: this is a real issue as it relates to the operation of the hatchery. Juvenile alewives could be pulled into the hatchery through the water intake, causing overcrowding in the hatchery. This becomes an operational nightmare for the hatchery staff as they would need to sort through all the fish, separating and removing the unwanted visitors (this could be thousands of fish depending on the size of the run). In discussion with John Boland, the former director of IFW's fisheries programs, he informed me that this has happened in the past prior to the agreement to blocking passage. It is my understanding that the Atlantic Salmon

Federation, who is incredibly active in this drainage, are prepared to assist IFW with the cost of screening to resolve this issue.

The language change under §6003. Coordination of fisheries management, has been modified and now includes the word "shall". Commissioner Woodcock and I have reviewed this language and feel it is unnecessary. There have been no conflicts or concerns raised by IFW as it pertains to DMR regulating freshwater species in tidal waters, and in fact in most cases they are the ones who initiate the need with us.

This bill also includes unallocated language (Sec. 3) Commissioner of Marine Resources to monitor anadromous fish in Sheepscot Pond. This language is not needed. DMR will not be stocking Sheepscot pond when the fishway is final reopened. Instead we will let alewives recolonize the pond naturally. We will monitor this run annually for the presence of alewives passing over the dam. As the run expands we will increase the sampling to determine the size and age structure of the run, as at some point we expect that a commercial harvest would be allowed. The more troubling part of this unallocated language is the directive to "develop a management plan for anadromous fish species and habitat for Sheepscot Pond in the Town of Palermo". We would never develop a town specific management plan for only anadromous fish, leaving out catadromous species as well IFW and freshwater species. As I have pointed out in our budget conversations, our Sea Run program is not fully staffed. This directive will take staff away from high priority work and will also create a large fiscal note to hire staff or contractors to develop a management plan. As you know, DMR has the authority to develop such plans and are currently working on others that are a higher priority.

Finally, this bill has created a bit of hysteria regarding the passage of lamprey eels into Sheepscot Pond. While the lamprey is certainly not an attractive fish, it is important to point out that it is a native species and it plays an important ecological role. However, we do recognize that additional education is needed, so Commissioner Woodcock and I have agreed to not allow passage for a period of time so the agencies can discuss this species with the public. Blocking this species can be done very inexpensively with a simple bar rack that allows alewives to pass but will stop lamprey.

Thank you for your consideration. I would be happy to answer any questions the committee might have.