



July 10, 2009

The Honorable John Baldacci
Governor of Maine
#1 State House Station
Augusta, ME 04333-0001

Dear Governor Baldacci:

We are writing to express the concern of the International Joint Commission of the United States and Canada (IJC) regarding the impact of Maine state legislation that since 1995 blocks passage of sea-run alewife in the St. Croix River, an international waterway. This legislation originated with perceptions -- not borne out by scientific studies -- that these native anadromous fish might interfere with the recreational fishery for introduced smallmouth bass. The law was amended in 2008 to unblock the fishway at one dam, but this still restricts the alewife to only about 2% of its original habitat in the St. Croix River basin. The science indicates that the anadromous alewife plays an important ecological role in the river and coastal ecosystems of the Northeast. Your administration's leadership is needed to help restore the ecological integrity of the St. Croix system. We urge your renewed engagement with local stakeholders and Native American groups in the basin and state lawmakers to reverse legislative requirements that currently impede alewife passage in the river.

The IJC was established under the Boundary Waters Treaty of 1909 to assist the Governments of Canada and the United States in the prevention and avoidance of disputes related to water resources and the environment along the shared border. The Treaty assigns to the IJC the quasi-judicial or licensing function of deciding whether certain kinds of works or activities can be built or undertaken in rivers or lakes that flow along or across the international border. IJC orders of approval with respect to existing dams in the St. Croix River include an order for the construction and repair of two fishways in accordance with plans agreed upon by the State of Maine and Province of New Brunswick. In 1998, the governments requested that the IJC take steps to implement an integrated, ecosystem approach to transboundary basins, which came to be known as the International Watersheds Initiative. The St. Croix River basin was identified as a pilot effort under the Initiative.



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In this river basin, the IJC is assisted by its International St. Croix River Watershed Board, which works closely with the St. Croix International Waterway Commission. The Board's mandate includes the responsibility to recommend water quality or aquatic ecosystem health objectives for the boundary waters of the St. Croix River and to maintain continuous surveillance over the quality of water and health of the St. Croix River boundary waters aquatic ecosystem. The Board has identified the restoration of the ecosystem integrity of the St. Croix River by the elimination of barriers to alewife passage as one of its top priorities. It has been active in supporting scientific studies of alewife ecology and disseminating the results, in providing general information on the St. Croix River ecosystem (such as the 2008 *State of the Watershed* report), and in offering a forum for public discussion of this and other issues in the basin. In February 2008, the Board's U.S. and Canadian Co-Chairs wrote to the Maine Legislature's Committee on Marine Resources in support of legislation to allow alewife passage on the St. Croix River.

More recently, in March 2009, the IJC received a letter on behalf of the Natural Resources Council of Maine, the Atlantic Salmon Federation and Maine Rivers -- supported by 48 other U.S. and Canadian organizations -- requesting that the IJC re-open its orders of approval for dam fishways on the St. Croix River to ensure alewife passage. While re-opening the orders is an option that is being considered, the Commission believes that the issue may be resolved more appropriately through the legislative process in Maine, based on public input and informed by sound science. Recognizing that there are also concerns in the basin about the health of recreational fisheries, we recommend continued fisheries management studies by relevant state agencies in cooperation with their counterparts in New Brunswick.

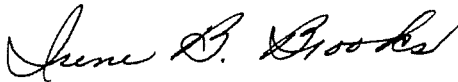
The alewife question was on the agenda of the Board's public meeting, held in McAdam, New Brunswick on June 17, 2009, attracting record attendance from American and Canadian citizens representing a range of sectors and interests who spoke overwhelmingly in favor of unblocking all fishways on the river.

The IJC has weighed the scientific evidence, has considered the recommendations of its Board, has gauged public sentiment in the basin, and has concluded that anadromous alewife passage in the St. Croix River should be restored.

Recognizing your longstanding commitment to the protection of Maine's environment for the benefit of its citizens and its neighbors, we request that you and your administration, consistent with that commitment, take the appropriate steps in conjunction with the Legislature and in consultation with Passamaquoddy tribal entities in the basin to re-open the St Croix River to natural fish migration pursuant to Maine state law.

We wish to assure you that IJC and the International St. Croix River Watershed Board stand ready to assist by continuing to provide a binational forum for information exchange and public discussion on this important objective. We look forward to working with you and your administration in resolving this matter and thank you for giving this priority attention.

Sincerely,



Hon. Irene B. Brooks
Chair, U.S. Section



The Rt. Hon. Herb Gray, P.C., C.C., Q.C.
Chair, Canadian Section

- cc: The Honorable Shawn Graham, Premier of New Brunswick
Ms. Cindy Warwick, Acting Deputy Director, Canada/U.S. Relations,
Department of Foreign Affairs and International Trade Canada
Mr. Edwin R. Nolan, Director, Western Hemisphere Affairs, Canada,
U.S. Department of State
The Honorable William Nicholas, Governor, Passamaquoddy Tribe,
Indian Township, Maine
The Honorable Richard Doyle, Governor, Passamaquoddy Tribe,
Pleasant Point, Maine
Chief Hugh Akagi, Passamaquoddy St. Croix Schoodic Band, New Brunswick
Representative Leila J. Percy, Co-Chair, Joint Standing Committee on
Marine Resources, Maine Legislature
Senator Dennis S. Damon, Co-Chair, Joint Standing Committee on Marine
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