

OpEd

Kerry Hardy: A historic chance for Maine rivers

By [BDN Staff](#)

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On May 21, 27 lawmakers in Augusta will wrestle with what could be Maine's most significant environmental legislation in decades — and chances are you've never heard of it. Why? Because lots of people in Augusta don't *want* you to hear about it.

The bill is called LD 1528, and it's dead simple: It requires dam owners to provide safe and effective passage for all twelve species of diadromous fish — those having life phases in both fresh and salt water; including imperiled species such as Atlantic salmon, short-nose sturgeon, and American eel — and it gives any citizen the right to sue if they don't. This bill would reconnect the fish with their historic spawning grounds, which in turn could have enormous implications for our rivers, our lakes, and the Gulf of Maine.

In bygone days, untold millions of spawning fish brought our fishermen a double bonanza each year. In the spring, lobstermen trapped spawning adults by the barrelful, and made their own bait. Later, as the young of the year filled our estuaries and harbors, everything from codfish to tuna grew fat on them, and our fishermen shared in this bounty. Ordinary citizens recognized this pattern immediately, and fish-passage laws were passed in 1735, 1741, 1786 and 1789 by the Massachusetts Legislature. By various means, each was quickly disabled, repealed or circumvented.

Those days, and those spawning runs, are gone. Now lobstermen are hostages to a few giant wholesalers who treble the value of raw herring just by renaming it "bait." Groundfishermen aren't even that lucky — their cod died away long ago, waiting for bait fish that never came down river. And if the past is sad, the future is downright scary: As herring costs skyrocket, lobstermen may be forced to buy soybean-based bait. Soybeans? As in genetically modified soybeans, which account for 86 percent of the American crop? Yes, *those* soybeans. The Gulf of Maine gets its own science project!

Earlier I said that LD 1528 was simple. Look beneath the surface, however, and you'll see how Augusta really works. Dam owners argue that "safe and effective passage" for fish would spell doom for their paper mills and hydroelectric plants. These folks, and their friends in Maine's executive branch, are unwilling to see the situation in reverse — that centuries of dam ownership have been a subsidy to their businesses, taken at the expense of the other creatures, including fishermen, who also draw life from these rivers.

By statute, the commissioners of our state conservation agencies all serve "at the pleasure of the governor." Many honest and hardworking conservationists serve under them, but their work is ultimately "top-driven," as we politely say. If you doubt this, you haven't been watching the Androscoggin River over the past few years.

Even some professional conservationists privately wish that this bill, so lacking in the cost bailouts that would make it politically palatable, would just go away.

Oddly enough, it may not. Twenty-one of the 27 legislators contemplating its fate are either from coastal towns or river towns, with fishing industries to think of when they vote. Moreover, in the process of working on this bill, I've been struck by the general courtesy, common sense, and just plain down-to-earthiness that characterizes most of our legislators — they're nowhere near as slick as the real Augusta insiders! For that matter, neither are the Friends of Merrymeeting Bay, the tiny, grass-roots conservation group behind this bill. They just happen to care about fish and rivers.

If you feel the same way, then take a few minutes and talk with your representative and senator — the contact information is at <http://janus.state.me.us/house/townlist.htm>. Speak plainly in your own words, and believe me: Your voice will be heard. If you're having trouble finding the right words, here are some pretty good ones from sixty years ago: "*Quit thinking about decent land-use as solely an economic problem. ... A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.*" — Aldo Leopold, *The Land Ethic*.

Our rivers and fish have endured three centuries of wrong; it's time we did something right.

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