

Eel fans pan dams

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AUGUSTA — Standing next to a cooler full of dead eels, members of the Friends of Merrymeeting Bay testified in favor of legislation Wednesday that would require all dams in the state to provide safe passage for migratory fish or dam owners could be fined up to \$1,000 a day.

"We're at the mercy of the dam owners right now," said Ed Friedman, board chairman of the group, who showed pictures of eels that had been sliced and killed by going through turbines on hydroelectric dams.

He said half the dams in the state have turbines that chop up migratory fish and eels and the other half block the path of migration and stop the spawning process.

The Maine Department of Environmental Protection opposes the proposal, being sponsored by Sen. Dennis Damon, D-Trenton, the chairman of the Marine Resources Committee. It is supported by a number of area legislators, including Rep. Seth Berry, D-Bowdoinham, Rep. Thomas Watson, D-Bath, and Rep. Leila Percy, D-Phippsburg.

"There are impossible compliance standards in the bill," said Andrew Fisk, head of the bureau of land and water quality for the DEP, at a joint hearing before the Marine Resources and Natural Resources Committees. "This bill is too absolute. The requirements are draconian and they are not feasible."

The bill would affect diadromous fish — including eel, alewives, shad and salmon — that migrate from fresh to sea water or sea water to fresh to lay their eggs. Dams that block that migration interfere with the spawning process and cut down fish population.

In addition to requiring that dams provide safe and

effective upstream and downstream passage for fish, the bill also allows civil suits to be filed against the dam owners or government agencies, if people believe the safe passage provision is being violated.

Damon said he decided to sponsor the bill because of his concern over the decline of the American eel, which has been a candidate for the endangered species list.

"While not perhaps the most attractive fish — haddock or salmon are seen as a little more majestic," he said, the eel is an important part of the ecosystem and the economy — going for \$100 a pound or more in the Asian market.

Damon, who serves as a Maine representative on the Atlantic States Marine Fisheries Commission, said he's convinced the American eel population has dramatically declined based on statistics from other Eastern states and Canada.

"Are we over-fishing them, or is there something else going on?" Damon asked.

Fisk argued the state already has the power to regulate dams that are killing fish and has done so.

"We already have sufficient authority," he said. "The state has been very aggressive."

Activist Kathleen McGee from Bowdoinham disagreed.

"The DEP probably does have the authority, but it's not using it," she said, adding that conservation groups have been calling for action for 20 years.

"We're killing these animals, and they can't get back to where they need to propagate," she said.

Proponents of the bill said the fix can be as cheap as a \$2,500 fish diverter that covers the turbines and angles the eels to a passageway around the dam. Larger dams require more expensive solutions, but

McGee said companies like Florida Power and Light, which has a hydroelectric dam on the Kennebec River, can afford it.

"It's costing them more to litigate and defend their position than it is to provide passage," McGee said.

Bill Short, a vice president with Ridgewood Renewable Power, which has 15 hydroelectric facilities in Maine, said the law is so restrictive it would require his company to remove its dams to comply.

"Removal of the dams would result in a reduction of clean renewable power," he said, and could result in a release of heavy metals and other toxins stored in river bottoms upstream.

"Ridgewood Power would be willing to participate in any stakeholder process to assure appropriate legislation is developed," Short said, but the bill being reviewed Wednesday isn't it.

The committees are scheduled to meet again on the proposal next Wednesday.