

TESTIMONY OF GREG DORR

I appreciate the opportunity to address you today. My name is Greg Dorr. I grew up in coastal Washington County. I am a registered Maine guide. I am also an attorney practicing in Bangor.

I am in support of LD 800. It is my opinion that the current law, Title 12 M.R.S.A. § 6134, authorizes the unlawful introduction of alewives into the waters above Grand Falls Dam because the current law does not comply with the review mandated by Maine's antidegradation policy.

LD 800 restores the water quality standards upstream of Grand Falls Dam to the narrative water quality applicable to Class A and AA segments throughout the St. Croix River watershed. Maine's water quality criteria for these waters specify that "[t]he aquatic life ... shall be as naturally occurs". The criteria is designed to protect habitat for fish and other aquatic life characterized as "natural."

We now know from Mr. Whitman's work that alewives were not native to the St. Croix River above Salmon Falls and they, certainly, were not native above Grand Falls. First, three natural barriers prevented alewives from ascending above Grand Falls. The vertical drop and river velocity at Salmon Falls, Sprague's Falls and Grand Falls were not favorable for the migration of alewives. The darting speed and jumping height of alewives -- which are scientifically indisputable -- did not allow alewives to navigate the falls.

Second, the historical record includes indisputable facts that lead to the conclusion that the natural barriers were impassable for alewives. The fish surveys conducted by the Maine Department of Inland Fisheries & Wildlife in the 1950's and 1960's do not identify alewives in the lakes of the west branch of the St. Croix River. The Canadian Department of Fisheries and Ocean, in its analysis of sea run smelt, has confirmed that alewives did not migrate above Salmon Falls. The Canadian DFO has also recognized the negative impact that alewives could have on existing fish populations.

Third, we now know that the information relied on by the proponents of alewife introduction above Grand Falls is flawed and unsupportable. When the U.S. Environmental Protection Agency disapproved of the exclusion of alewives in 2012, the agency acknowledged that it was not aware of any scientific rationale for the exclusion. The EPA considered just one study, the 2007 Flagg study. Today, we have sound scientific rationale and historical facts to prove that alewives did not ascend above Grand Falls. Mr. Whitman has credibly challenged the alewife estimates offered by the Flagg report.

Recently, Dr. Glenn Millner – who is a highly qualified expert in his field -- has reviewed the Flagg study and 2006 Willis study. Neither studies have been published in a peer reviewed scientific journal. The Flagg study has serious questions concerning its scientific validity. There are alarming omissions from the Flagg report about the physical evidence allegedly gathered and used to support the contention that alewives

were naturally occurring above Salmon and Grand Falls. The Willis study does not address smallmouth bass abundance and did not include Spednic Lake in its study design.

Dr. Millner and Mr. Whitman share the concern that these studies have not explained or even addressed why smallmouth bass populations declined concomitant with large numbers of alewives being introduced into the watershed.

From what we know today, it is my position that the current law – which calls for the “unconstrained passage” of alewives -- is irresponsible because it provides for an unlimited number of non-native or invasive fish to pass above Grand Falls Dam without regard their potential impact on upstream existing uses. It not only threatens the freshwater fishery, it jeopardizes the economy of Northeastern Washington County.

The State has a legal obligation to protect and maintain the existing uses of the upper St. Croix River. There has been no mandatory review of those uses under Maine’s antidegradation policy. No one has considered a) how the introduction of alewives will impact other aquatic life or wildlife in the watershed, b) whether the habitat is sufficient to support the existing populations of wildlife, aquatic life and plant life, c) how the introduction will affect recreation in or on the water, fishing, or commercial activity (e.g., guiding and lodging), d) the ecological significance of the aquatic life, wildlife or plant life associated with each water body or their role or importance in the functioning of the

ecosystem or their rarity, or e) the historical and social significance of the use of each water body for recreation in or on the water, fishing or for commercial activity.

Thank you for your time. I urge you to vote that LD 800 ought to pass.