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**Joint Standing Committee on Inland Fisheries and Wildlife**

**RE: LD1049 An Act to Protect Maine's Inland Fisheries from Invasive Fish**

Senator LaFountain, Representative Landry, and members of the Joint Standing Committee on Inland Fisheries and Wildlife, my name is Kaitlyn Nuzzo and I am the Government Relations Director for The Nature Conservancy in Maine. **I appreciate this opportunity to testify in opposition to LD 1049 An Act to Protect Maine's Inland Fisheries from Invasive Fish.**

The Nature Conservancy (TNC) is a nonprofit conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world's toughest challenges so that nature and people can thrive together. We use a collaborative approach that engages local communities, governments, the private sector, and other partners. The Nature Conservancy has been leading conservation in Maine for more than 60 years and is the 12th largest landowner in the state, owning and managing roughly 300,000 acres. We also work across Maine to restore rivers and streams, partner with fishermen in the Gulf of Maine to rebuild groundfish populations and develop innovative solutions to address our changing climate. TNC works closely with state agencies – including the Maine Department of Inland Fisheries and Wildlife (DIFW) and the Maine Department of Marine Resources (DMR) – on a variety of levels to ensure Maine's fisheries and the communities that rely on them are sustained and supported into the future.

The proposed bill commits into statute a specific method of managing aquatic invasive fish species, specifically "an invasive fish species known to be present downstream", by way of a 4ft. vertical jump exclusion at the Medway Dam, in Medway, and at Browns Mills Dam, in Dover-Foxcroft. At present, Medway Dam only allows the upstream passage of native, American eel, therefore invasive fish species referenced in the bill are already prevented from moving upriver of the dam facility. In Dover-Foxcroft, there is an active MOU between DIFW & DMR in place, signed in 2009, specifically addressing the necessary prevention of aquatic invasive species movement and the maintenance of an existing vertical barrier on the Piscataquis River at the Browns Mills Dam.

Given the barriers already in place at these locations preventing invasive fish movement, our main concern with this legislation is that the proposed actions circumvent any collaborative management for the prevention of aquatic invasive species by state and federal agencies, and the Penobscot Nation. The proposed bill also has implications that significantly impact fish passage and restoration of native migratory fish species, including ESA listed Atlantic salmon. The bill does not allow for adaptive management of new site conditions or incorporation of new data regarding aquatic invasive species in the future and would stymie the use of any alternative approaches, or management strategies as a means of aquatic invasive species exclusion at these locations.

In addition, the actions proposed in the bill put the referenced dams in direct conflict with specific regulatory requirements and management procedures. We believe this bill would supersede or conflict with the Federal Clean Water Act, FERC regulatory standards for fish passage and ESA species, Maine DEP water quality standards for fish passage, EPA Federal Tribal Standards, and the Maine Tribal-State Collaboration Act.

We understand that DIFW and DMR are collaborating on a process for statewide evaluation of management of invasive fish species as it relates to connectivity and fish passage restoration for native fish species. We applaud these collaborative efforts and see development of this strategy as a critical next step in addressing concerns and management of aquatic invasive species including invasive fish in the Penobscot River Watershed. TNC stands ready to assist in this process in whatever manner the agencies see fit.

Thank you for the opportunity to weigh in on LD 1049. I'm happy to answer questions at any time.