



PATRICK KELIHER
commissioner

STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
AND MARINE RESOURCES
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041



JUDITH CAMUSO
COMMISSIONER

MEMORANDUM OF UNDERSTANDING

Between the Department of Inland Fisheries & Wildlife and

the Department of Marine Resources

Regarding the Coordination of Fish Passage for Migratory Fish and Preventing

the Spread of Aquatic Invasive Species

Whereas; *“The Department of Inland Fisheries and Wildlife (MDIFW) is established to preserve, protect and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; to provide for effective management of these resources”,* The MDIFW is statutorily authorized and responsible for the stewardship of Maine’s inland fisheries;

Whereas; *“The Department of Marine Resources (MDMR) is established to conserve and develop marine and estuarine resources, to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; to advise and cooperate with local, state and federal officials concerning activities in coastal waters; and to implement, administer and enforce the laws and regulations necessary for these enumerated purposes”,* The MDMR is statutorily authorized and responsible for the stewardship of Maine’s diadromous fisheries;

Whereas; *Aquatic invasive species (AIS) are one of the leading threats to conserving Maine’s native inland fisheries as outlined in MDIFW’s 15-year strategic fisheries management plan and the State Wildlife Action Plan. The Maine State Legislature established an Interagency Task Force that subsequently developed the initial State of Maine Action Plan for Managing Invasive Aquatic Species to prevent further introductions of exotic species which can displace native species, reduce biodiversity, disrupt food webs, and degrade native habitats;

Whereas; Dams and other barriers are one of the leading threats to recovering diadromous fish in historic spawning and rearing habitat as outlined in the State Wildlife Action Plan, in many state river management plans, Atlantic States Marine Fisheries Commission Plans, and in the federal Atlantic Salmon Recovery Plan;

Whereas; Most dams create fish passage barriers, preventing spread of invasive fish. However, they also prevent diadromous fish from accessing historical spawning habitat, negatively impact habitat and limit recovery of diadromous fish in Maine. Restoring and reconnecting habitats through dam removal and improved fish passage, is a key strategy for successful conservation and restoration of native diadromous and resident fish;

Whereas; Both agencies have the primary state leadership role in influencing actions and decisions related to the conservation and restoration of Maine’s native fish, and as such the agencies are responsible for developing

policy and associated advocacy when collaborating with stakeholders and partners interested in removing or improving fish passage at existing dams that is considerate of the need to responsibly manage and reduce threats posed by AIS.

- 1) Both agencies jointly enter into this memorandum of agreement to establish a meaningful process to plan for actions to control and prevent further spread of aquatic invasive species as fish passage is improved and barriers are removed statewide. If changes are planned that reduce commitments outlined in the memorandum to control and prevent the further spread of aquatic invasive species at the dam on the Penobscot River in the Town of Medway or the dam on the Piscataquis River at Brown's Mill in the Town of Dover-Foxcroft, the departments shall notify the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters in writing prior to the changes being implemented.
- 2) This MOU will be reviewed and updated every 5 years or earlier as agreed upon by both commissioners. This review will include an assessment of progress on actions and initiatives identified in this MOU to ensure timely progress and completion, as well as identification of any new supporting initiatives. The departments will submit a report on the departments' progress under the memorandum to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters at least every 5 years, to coincide with the renewal of the memorandum.
- 3) The agencies agree to work cooperatively to respectfully support the removal of barriers, improvement of fish passage, and the prevention of AIS passage in priority waters around the state, consistent with actions identified as follows:
 - a. Existing statute (**12 M.R.S. § 12760 (9)**) precludes fish passage to the following waters unless AIS are precluded from passing:
 - i. **Sebec Lake outlet dam (Sebec)** – supports habitat for American eel and sea-run alewives. Currently blocks passage for all fish.
 - ii. **Sebec River Dam (Milo)** or at a dam – supports habitat for American eel and sea-run alewives. Currently blocks passage for all fish.
 - iii. **Schoodic Lake outlet dam** (Lake View Plantation) – supports habitat for American eel and sea-run alewives. Currently blocks passage for all fish.
 - iv. **Seboeis Lake outlet dam** (Township 4, Range 9 NWP) – supports habitat for American eel and sea-run alewives. Currently blocks passage for all fish.
 - b. At other locations the agencies agree to work cooperatively to respectfully support fish passage and barrier removal consistent with agency priorities and AIS threats while also planning for prevention of passage of AIS into other priority waters and watersheds around the state more comprehensively identified through the following new planning initiatives:
 - i. identification of MDIFW and MDMR statewide fishery resource priorities
 - ii. identification of known locations of existing AIS threats
 - iii. identification of priority fish passage projects
 - iv. identification of strategic priority locations to manage both current and potential future AIS threats.
 - v. identification of strategies and technologies to provide fish passage while managing for AIS in strategic locations (e.g., existing dams, hung culverts, natural barriers) to manage both current and potential future AIS threats.



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- c. The above proactive planning will include consideration of upstream fishery resource priorities, as well as extent of potential AIS migration to interior areas of the state where local access would facilitate illegal introductions to new waters. Two known priority AIS control locations include:
- i. **Medway Dam (Medway)** - supports habitat for American eel, river herring, and American shad. Supports historical habitat for Sea-run Atlantic salmon, but federally designated critical habitat does not extend above this barrier. No upstream fishway currently except for American eel. Waters upstream support important recreational coldwater fisheries including lake trout, landlocked salmon, and brook trout.
 - ii. **Brown’s Mill Dam (Dover Foxcroft)** - An existing vertical 4-foot barrier prevents upstream passage of pike and other invasive fish, but it also blocks native sea-run fish such as American shad, alewife, blueback herring, and may block or delay Atlantic salmon and American eel. Waters upstream support important recreational coldwater fisheries including landlocked salmon and brook trout. Both agencies support the maintenance of a barrier until an alternative strategy agreeable to both agencies can be implemented to address AIS concerns while supporting diadromous restoration and recovery. It is recognized that in some instances fish passage may not be supported by IFW and DMR at existing barriers around the state, at least temporarily where existing barriers provide effective control of AIS threats. In these instances, both agencies will strive to commit staff and resources to identify solutions that allow for fish passage of diadromous species and control of AIS.
- 4) The agencies may support full or partial fish barriers until such time as both Commissioners agree upon a better solution to control AIS that will also pass target species.
- 5) Both agencies agree to consult and manage AIS concerns on a project-by-project basis. This consultation will be greatly enhanced by planning actions identified above to include increased awareness and predictability regarding locations of concern and approaches to protect and enhance state fishery resources.

* For the purposes of this MOU, “aquatic invasive species” means: *Any species determined by the Department to cause ecological or economic harm in a new water or location where it is not native.*

Judy Camuso
Judy Camuso (Apr 10, 2024 09:41 EDT)
JUDITH CAMUSO, Commissioner

Apr 10, 2024
Date

Patrick C Keliher
Patrick C Keliher (Apr 10, 2024 20:57 EDT)
PATRICK KELIHER, Commissioner

Apr 10, 2024
Date

MOU DMR IFW AIS 2024

Final Audit Report

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