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US expands laws protecting Atlantic salmon

By Beth Daley, Globe Staff | June 16, 2009

The federal government dramatically extended protection yesterday for the imperiled wild Atlantic salmon in Maine, declaring that the few remaining sportfish in the Penobscot, Kennebec, and Androscoggin rivers and their tributaries are endangered.

The move comes nine years after the federal government declared the fish - once such a part of American legend that one was delivered to the US president each year - endangered in eight Down East Maine rivers.

And, like then, the listing is promising to spark a political war, with state officials saying the decision will unnecessarily harm industries along the rivers that will have to undergo arduous environmental reviews.

"This federal action ignores Maine's strong track record in species management and our need for a flexible approach," Maine's governor, John Baldacci, said in a statement. He said he is exploring legal actions to challenge the listing. "The extreme approach chosen by the federal government hamstring the state's ability to use creative conservation efforts that have been successful in the past."

The federal government said it was expanding the endangered listing to more rivers because genetic tests have shown Atlantic salmon are part of the same population group as the Down East salmon listed nine years ago. And while the Penobscot River fish seem to have been doing marginally better in the last two years, the overall number of Atlantic salmon that return each year to state rivers remain dismal.

"Legend has it you could once walk across these rivers on the backs of salmon," said the US Fish and Wildlife Service's acting director, Rowan Gould. "If we are ever going to recover this iconic species . . . we need to protect it now in Maine."

The listing means that it will be illegal for a fisherman to intentionally catch an Atlantic salmon - or even "harass" the creatures. But the listing also protects the area needed to help the fish population survive and recover. That habitat is contained in about 12,000 miles of rivers, streams, and estuaries and about 300 square miles of lakes in Maine. That means hydroelectric dams and other industries on the rivers will need to check in with federal authorities to make sure they are not violating the law, and most future projects will have to undergo review to ensure they are not harming the fish or habitat.

Most industry officials contacted said they were still evaluating the decision or did not return calls. George Lewis of PPL Corp. in Pennsylvania, which owns seven dams on the Penobscot and is in the process selling three of them to a conservation group, says he welcomes the decision.

"What we are doing is exactly the kind of action the agencies want," Lewis said. Two of the dams the corporation is selling will be dismantled and a third will be altered to help salmon bypass it.

The silvery fish is pure legend in Maine. Unlike farmed salmon that are raised in pens off Maine's coast before heading to dinner plates, wild salmon are born in Maine rivers and after two or three

years, travel out into the ocean near Greenland. They return a few years later to spawn in the very same river in which they were born.

Over the generations, more than a dozen salmon fishing clubs were established in Maine to catch the powerful fish. Yet salmon began declining by the mid-1800s and soon after, the first federal hatchery was built to stock the rivers for fishermen.

It worked for awhile. The rivers were stocked with fish from Canada and other parts of Maine - even from the West Coast - but it was a temporary salve. By 2000, when the federal government declared the salmon endangered in the eight Down East rivers, their numbers had plummeted to less than 100 in each river and are even lower now.

And no one knows exactly why. Water pollution, acid rain, overfishing, dams, and water temperature off Greenland all likely contribute.

Still, federal officials say there is a glimmer of hope with yesterday's listing. Penobscot River's returning salmon had numbered around 1,000 in recent years. But last year 2,117 returned.

"We certainly are optimistic," said Mary Colligan of National Oceanic and Atmospheric Administration fisheries. She said the original listing nine years ago also sparked great fears from industry and the state but "we worked with those industries, minimizing impacts. We think we have a pretty good track record."

Yet state officials said the listing is taking place in major rivers with major industries.

"It's going to be a nightmare working through the permitting process . . . even our restoration work will go through permitting," said Pat Keliher, Maine director of sea run fisheries and habitat.

Still, conservation and salmon groups said they hope the listing would bring back a beloved fish - and one day, perhaps, catch them again.

"Whether they've seen it on television or once saw one, this is a tremendous species," said Dwayne Shaw, executive director of the Downeast Salmon Federation, an advocacy group that wants to see salmon restored and fishing eventually allowed. "It's such a part of Maine."

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