



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK C. KELIHER
COMMISSIONER

April 2, 2021

Board of Selectmen
Town of Benton
1279 Clinton Avenue
Benton, ME 04901

Dear Mr. Lawrence:

This letter is to acknowledge receipt and approval of your Town warrant article and River Herring Harvesting Plan for the 2021 fishing season. River herring may be harvested according to the approved plan, which is attached for your records, after 200,000 alewives are passed at the Benton Falls fish lift, or when the Town is notified by the Department that fishing operations may commence. The Department will not consider any request to begin harvest at Benton below this threshold.

Note that the plan is approved as it was submitted, with a 72-hour closure period each week from sunrise on Thursday to sunrise Sunday. If the town would like to allow harvest more than four days per week, this will be considered by the Department after a formal request is submitted by the town. Benton is permitted to harvest through June 5 unless blueback herring represent more than 60-percent of any biological sample collected at the harvest site or from the Benton Falls fish lift. The harvester will be responsible for collecting biological data from harvested river herring. We have provided the Town of Benton with the materials the harvester will need to collect these samples.

A copy of the approved harvest plan is attached to this letter. DMR requires that the total landings in pounds, bushels, and unit of sale (crate, tote, tray, etc.) be reported to the Department on request. We have attached a form for the landings to be recorded. This form will be due back to the Department no later than August 1, 2021.

Please note that the harvester must obtain a Commercial Pelagic License from DMR prior to fishing and must carry the approved harvest plan and commercial license while fishing. At least one license holder must be present at the harvest site at all times. Under no circumstances does the Department permit the harvest of post spawn alewives or blueback herring, commonly known as runbacks. If you have any questions, please contact Michael Brown of this agency at 624-6341.

Sincerely,

Patrick Keliher
Commissioner

Cc Division I Marine Patrol
Mike Brown, DMR
Francis Brautigam, IF&W



Town of Benton
1279 Clinton Avenue
Benton, Maine 04901
Tel: 207 453-7191
Fax: 207 453-4428

March 30, 2021

Mr. Patrick Keliher, Commissioner
Department of Marine Resources
21 State House Station
Augusta, Maine 04333-0021

Dear Commissioner Keliher:

Enclosed please find the attested copy of the two Articles, required by Statute, for the Town of Benton's River Herring fishing rights, which passed at the annual Town Meeting on March 27, 2021.

Also enclosed is a draft proposal of the 2021 Harvest Plan that we will adopt once your department has considered or amended, and approved. The Town looks forward to a commercial harvest while supporting sustainable river herring runs in the Sebasticook River watershed. I am pleased to read of the DMR's support for the restoration of fish in the Kennebec.

We realize this spring will continue to be affected by Covid-19, and will adjust plans accordingly. Thank you for the continuing assistance and support the Department provides to the Town of Benton. If you need further information, please contact me at 453-2092H, 877-4492M, or albioncider@roadrunner.com.

Sincerely,

Richard Lawrence
Alewife Warden
For the Selectboard

RIVER HERRING ORDINANCE TOWN OF BENTON 2021

Regulations for the taking of river herring shall be as follows:

Downstream Weir Fishery

- The weir or trap shall not block off more than one-third of the river. A minimum unobstructed opening of two feet (2') shall be maintained at all times between the riverbank and the downstream end of the weir.
- The maximum mesh size of wire, twine, or other material used in the weir shall not exceed one inch by one inch (1" x 1"). The entrance to the dipping pen or trap shall be covered by bars, slats, or spacers with a maximum width of two inches (2") between said bars, slats or spacers. Dipping of river herring shall be confined to the dipping pen or trap.
- There shall be a 72-hour weekly closed season on river herring from sunrise each Thursday morning until sunrise the following Sunday morning, unless otherwise determined by the Department of Marine Resources. During the closed season, a minimum size unobstructed opening of three feet by three feet (3' x 3') shall be maintained in the upstream and downstream end of the trap to allow escapement of spawning alewives, blueback herring and other migratory fish.
- Migratory fish such as salmon, shad, or other species except alewives and blueback herring that enter the trap shall be removed and allowed to pass upstream.
- Fishing operations can be initiated once 200,000 river herring are passed at the Benton Falls fish lift, or when the Town is notified by the Maine Department of Marine Resources (MDMR) that fishing operations can be initiated. MDMR reserves the right to require that fishing operations cease if sufficient numbers of river herring are not being passed at the Benton Falls fish lift. Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5. If late-run river herring are entering the river, the Town must seek approval from the Department of Marine Resources to extend the season up to but no later than June 15.
- The total and weekly landings in pounds or bushels and value of the catch shall be made available to the Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

Alternate Harvest Location - Benton Falls Dam

If the Town of Benton determines that the harvest will occur below the Benton Falls Dam as was done in 2009 through 2020, there shall be a 72-hour weekly closed season on river herring from sunrise each Thursday morning until sunrise the following Sunday morning, unless otherwise determined by the Department of Marine Resources.

Harvesting methods will be limited to dipping pens, dip nets and cast nets.

Migratory fish such as salmon, shad, or other species except alewives and blueback herring that enter the nets shall be removed and allowed to pass upstream.

Fishing operations will commence once 200,000 alewives are passed at the Benton Falls fish lift or when the commissioner of the Maine Department of Marine Resources (MDMR) will notify the Benton Alewife Warden that fishing operations can start. MDMR reserves the right to require that fishing operations cease if insufficient numbers of river herring are passed at the Benton Falls fish lift.

Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5. If late-run river herring are entering the river, the Town must seek written approval from the Department of Marine Resources to extend the season up to but no later than June 15.

The total and weekly landings in pounds or bushels and value of the catch shall be made available to the Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

Recreational Fishing

Properly licensed individuals may take up to 25 river herring per day from Benton waters for recreational or personal use, in accordance with 12MRSA6131 as revised.

adopted ____ by vote of Selectmen; approved by Maine DMR ____.



Town of Benton
1279 Clinton Ave
Benton ME 04901
207-453-7191

CERTIFICATION AND ATTESTION

This is to attest and certify that the following two articles were voted on and passed at the annual Benton Town Meeting held on March 27, 2021.

Article 39: To see if the Town will vote to authorize the Selectman under Maine Statutes, Chapter 12, Section 6131, and amendments thereto, to promulgate such regulations compatible with the General Laws of the State, to govern the time when and the manner in which river herring shall be taken therein.

Selectmen and Budget Committee Recommends: Yes
PASSED BY WRITTEN BALLOT

Article 40. To see if the Town will vote to authorize the Selectmen to sell surplus river herring for one or more years, or take action relative to the same.

Selectmen and Budget Committee Recommends: Yes.
PASSED BY WRITTEN BALLOT

Attested and certified this 30th day of March 2021.



Melanie Alexander
Town Clerk
Town of Benton

This form is due to the Maine Department of Marine Resources no later than August 1, 2021.

Please send to: Mike Brown c/o Maine DMR, 172 State House Station, Augusta, ME 04333
Or Scan and Email to: Michael.Brown@maine.gov

TOWN(S)	
WATER FISHED	
TOTAL ALEWIFE HARVEST Circle one: BUSHELS or POUNDS	
TOTAL ALEWIFE HARVEST in Actual Sale Unit (example, crate, tray, bucket, etc.)	
PRICE PER SALE UNIT Circle one: BUSHELS, POUNDS or SALE UNIT (write in)	
CONTACT PERSON: ADDRESS & PHONE NUMBER	