

**RIVER HERRING ORDINANCE
TOWN OF BENTON
2022**

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 2021, 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 Selectmen 3/21/22; approved by Maine DMR _____