

**TOWN OF MOUNT DESERT
SHELLFISH COMMITTEE
MINUTES**

Thursday, June 1, 2023

5:00 PM

**Town Hall Meeting Room
21 Sea Street
Northeast Harbor
(or ZOOM)**

Members Present: David Dunton, Brian Silverman (via Zoom), Earl Moore, and Rustin Taylor. Town Clerk Claire Woolfolk, Public Works Director Brian Henkel, and Wastewater Superintendent Ed Montague were also in attendance. Also present via ZOOM were DMR Biologist Hannah Annis, DMR Marine Resource Scientist Hannah Horecka, and Shellfish Warden Adam Thurston.

I. Call to order 5:00 p.m.

II. Approval of 3/30/2023 Minutes

MOTION: Mr. Silverman moved, with Mr. Taylor seconding, to approve the minutes of 3/30/2023. Motion carried 4-0.

III. Warden Update

Adam Thurston, Shellfish Warden, introduced himself and reported no violations or complaints from diggers since the last meeting. Regarding patrol of Bartlett's Island, he said they don't often go unless they have a complaint. As harbormasters, they will occasionally go as needed.

IV. State Update

No updates to report.

V. Old Business:

A. Gilpatrick Cove discussion (MDWW Ed Montague and DMR Water Quality Hanna Horecka)

Public Works Director, Brian Henkel and Wastewater Superintendent, Ed Montague introduced themselves to the committee. A discussion regarding the past pollution history from a residential sewer line ensued. Superintendent Montague reported that the sewer line is now tied into the Town's sewer system.

DMR Scientist, Ms. Horecka, said samples of the water quality has improved in Gilpatrick Cove. She brought up a black rubber pipe that runs over the flat (located on the east side of the cove and comes out

of the rocks, running along the mud flats disappearing below the low-tide line). No-one is sure what it is, possible overboard discharge pipe? It must be determined what the pipe is before they can move forward. Mr. Montague said that the town has mapped the treatment plant system and there is no indication that it has anything running through there.

It was asked if it is possible to re-open Gilpatrick Cove with conditional Wastewater Treatment Plant (WWTP) closures. Ms. Horecka said in order to do that a reevaluation of the WWTP would have to be done with the new protocols. She said that a MOU would have to be set up with Public Works for reporting when there is an issue with discharges. Mr. Montague explained that the Department of Environmental Protection (DEP) requires closure and the Town pays the state a fee for the percentage of acreage that is closed to shellfish harvesting for potential emergency due to a disinfection failure. Ms. Horecka warned that there is a potential that other areas would have to be closed if a reevaluation is done and other issues are found.

Discussion regarding what could be done included:

1. Ask Kim Keene, Code Enforcement, to look into it as Plumbing Inspector for the Town to see if she could figure out what it is.
2. Hire someone to find the source and remove it. Public Works agreed to supply contact information.
3. Ms. Horecka would work with her supervisor to see if they could create an open area by changing the prohibited area to a conditionally approved area. She reported that standards and protocols have improved.

Possible other resources were Brent Lawson, State LPI; and the DEP for licensing for overboard discharge.

- B. Update on the Army Core of Engineers permit for clam recruitment boxes in Otter Creek (permit application by Dr. Peterson)

Mr. Taylor gave an update on the permit application of Dr. Peterson. Currently, there are 2 sites being studied in Bar Harbor. He is allowed to add 4 additional sites without incurring further costs. Chairman Taylor said this is a simple way to get baseline data for the area. He did a demonstration of a *clam recruitment box*.

The committee brainstormed additional sites: Otter Cove, Sargents Cove, Somes Harbor, Head of Harbor by Asticou, and Gilpatrick Cove.

DMR Biologist Ms. Annis agreed to assist in the research and follow up. Warden Thurston stated that he could assist with looking out for them, especially at the Asticou area. It was suggested that the harbormaster's contact number be put on the boxes and to identify them as belonging to the Town.

MOTION: Mr. Taylor moved, with Mr. Silverman seconding, to approve chosen sites for the permit: Otter Cove two sites (north and south), Sargeant Cove, and the Asticou (head of harbor) for the clam recruitment box locations. Motion carried 4-0.

C. Allocation Plan Approval

Town Clerk, Claire Woolfolk, presented the allocation plan for approval with no changes from previous years. Sales begin July 3, 2023 (July 1st falls on the weekend).

MOTION: Mr. Taylor moved, with Mr. Silverman seconding, to approve the allocation plan as presented. Motion carried 4-0.

D. Management Plan Update

DMR Biologist, Ms. Annis, discussed the State's requirement to file a Shellfish Management Plan, if we don't have one already on file. She directed the committee to the template located on the DMR website as a place to begin drafting the plan. DMR would like to have the plans filed in the fall.

E. Current Residential Clam License Holders report

Discussion on how to recruit additional committee members ensued. Members agreed to invite recreational license holders to the next meeting.

VI. New Business:

None presented.

V. Such other business as may be legally conducted

Questions regarding the Gary Moore Cove closure. Ms. Annis reported that the cove used to have a conditional seasonal closure, but that it is now open.

Discussion followed for the next meeting; it was determined that November 2, 2023 would be placed on the calendar.

VI. Adjournment

MOTION: Mr. Taylor moved, with Mr. Dunton seconding, to adjourn. Motion carried 4-0.

The meeting adjourned at 5:58 PM.