

**TOWN OF MOUNT DESERT
SHELLFISH COMMITTEE
Minutes**

Thursday, February 15, 2024

5:00 PM

**Town Hall Conference Room
21 Sea Street
Northeast Harbor**

Members Present: David Dunton, and Town Clerk, Claire Woolfolk. Also present were DMR Biologist Hannah Annis, DMR Marine Resource Scientist Grace Robie and DMR Growing Area Supervisor David Miller.

Due to a problem with the Zoom connection, members Rustin Taylor and Brian Silverman, as well as Warden Adam Thurston, and Dr. Chris Peterson could not attend.

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

Member David Dunton called the meeting to order at 5:19pm. It was determined that since there wasn't a quorum present, no business requiring a vote could be conducted.

II. Approval of Minutes

- a. June 1, 2023
- b. January 11, 2024

Tabled until the next meeting.

III. Warden Update

Tabled until the next meeting.

IV. State Update

DMR Biologist Hannah Annis reported on various items:

1. The annual report is due April 1st.
2. The Mount Desert Management Plan has been approved by DMR.
3. Mini grants have been extended (and increased from \$5,000 to \$7,000). Applications are due March 3, 2024. Town Clerk Claire Woolfolk reported that the information was given out to committee members at the last meeting in January.
4. Ms. Annis reminded us that Warden Recertification is on March 27, 2024 from 1pm – 4pm in Augusta. She said if the wardens are not receiving emails/notices directly, they can sign up on the Gov

Delivery System ([Maine Department of Marine Resources \(govdelivery.com\)](http://Maine Department of Marine Resources.govdelivery.com)).

5. Listening Sessions take place up and down the coastline and are open to the public. [SAVE THE DATE! - DMR Aquaculture Listening Sessions | Department of Marine Resources \(maine.gov\)](http://SAVE THE DATE! - DMR Aquaculture Listening Sessions | Department of Marine Resources (maine.gov))
The next one will be held in Ellsworth on March 21, 2024 at 4pm at the Moore Community Center Theater.
6. The next Fisherman's Forum will be held on February 29, 2024 in Rockport. This is a meeting for all things shellfish.

V. Old Business:

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

Tabled until the next meeting.

Dr. Petersen sent an email regarding possible clam regulation changes for Bar Harbor:

Bar Harbor is considering expanding our shellfish ordinance to include quahogs, razor clams, hen clams, and oysters. The main way that this will affect your harvesters is that there are a few commercial harvesters that come to occasionally harvest quahogs here (unlike your committees - they aren't in our regs at the moment). These new regs would exclude those people, since we have over 100 rec licenses but only 1-3 commercial licenses in recent years (and a 10% rule, so no non-resident commercial licenses in town). Rec diggers from your towns would now have to get a Bar Harbor non-res rec license to be able to harvest these species, right now rec harvesters can go in without any license and get a combined peck (or 3 bushels of hens).

Right now our warden(s) (a couple of BH police do it part time) can't enforce regs on any of these species, and adding the species to regs will allow them to do some enforcement on these species - we had some individuals say they were commercial harvesters come in and hit the resource hard, but if they were commercial harvesters I have never seen them around here. We also have a lot of tourists come there to harvest, clearly the spot has made some social media rounds. Oysters are also going to close in the summer unless they are in regs, so by adding them we will allow for some rec harvesting during the year.

He will try to attend our next meeting to report on it.

B. DMR Acceptance of the Mount Desert Management Plan

Ms. Annis reported on this under the State Update above.

C. Discussion with DMR Biologist regarding Gilpatrick Cove (pipe issue)

DMR Marine Resource Scientist, Grace Robie, reviewed the Investigative Report on Water Quality dated February 14, 2024 (copy attached). She said that no stations have failed (DMR requirements of <31 for P90s) of the most recent 30 samples. It was noted that on page 3 the detail trend of Gilpatrick Cove standards have improved.

Mr. Dunton asked if the results meant that this would support the opening of Gilpatrick Cove for harvesting. Ms. Robie said that in order to open, some issues would have to be dealt with:

1. The source of the black pipe in the cove would have to be determined. The pipe would have to be capped or removed.
 - a. It was asked if Mount Desert's Code Enforcement Officer had looked at the pipe. Town Clerk Woolfolk said Ms. Keene indicated that it was outside her jurisdiction as it goes into the intertidal waters (below the low-tide line. (DEP/DMR jurisdiction?)).
 - b. DMR Growing Area Supervisor, David Miller, reported that the pipe does not show up on the DEP's Overboard Discharge (OBD) database as being either active or inactive.
 - c. Mount Desert's Public Works wastewater management said it is not sourced in its mapping of the treatment plant system at the June 1, 2023 meeting.
 - d. Mr. Miller said he would provide contact information for DEP OBD Compliance and DEP Licensing.
2. Ms. Robie said that DMR would have to determine why Gilpatrick Cove was conditionally opened in 2007 and determine if the situation has been resolved that prompted the closure. It is thought that heavy rainfalls might be causing the spikes in the areas where culverts empty into the cove.
3. State Mandates on the closure and DEP requirements for potential disinfection failures from the wastewater system.

Ms. Robie also reported that Station 31 (Mason Point off Parker Farm Road) is under review to conditionally reopen in the fall, probably in September. This area has approximately 35 acres of potential harvesting.

VI. New Business:

A. Review and Finalize 2023 DMR Shellfish Annual Report for Town of Mount Desert

Since three of the committee members stayed after the last meeting (January 11, 2024) to review and amend the draft report, it was agreed that the report could be submitted to DMR without a vote. Ms. Annis said that DMR does not need the report voted for approval.

B. Allocation Plan Approval for July 2024

Mr. Dunton expressed interest in perhaps reducing the allocations for the upcoming year. Ms. Annis stated that any town considering license allocation changes in 2024 should include supporting information such as survey data, classification changes resulting in increased or decreased resource availability, and/or landings data. License allocation changes without supporting data are unlikely to be approved.

VII. Such other business as may be legally conducted

None presented.

VIII. Adjournment

The meeting adjourned at 6:00 pm.