



# Shellfish Conservation Commission

## MINUTES

Tuesday, June 5, 2018

6:00 PM – West Conference Room

### Committee Members:

Michael Brown,  
Chairman  
Charles Adams  
Jessica Joyce  
Robert Maloney  
Ralph Oulton  
Harland Storey

### Town Staff:

Tom Gruber  
Charles Rumsey  
Jean Duchesneau

**Members Present:** Michael Brown, Chairman, Jessica Joyce, Charles Adams, Robert Maloney, Harland Storey, and Ralph Oulton,  
**Town Staff:** Chief Charles Rumsey; Jean Duchesneau, Recording Secretary; Thomas Gruber  
**Absent:**

#### I. Roll Call

Chairman Michael Brown called the meeting to order at 6:03 PM.

#### II. Approval of the November 29, 2017 Minute

Motion by Robert Maloney and seconded by Ralph Oulton to accept the minutes as presented.  
VOTE: All Approved – Unanimous

#### III. Intertidal Bill LD 1519

Jessica Joyce distributed a copy of the LD 1519 to review. She stated nothing has really changed except perhaps on the enforcement end in knowing where the Intertidal line is. An easier way to interpret the definition is: "If your feet are always wet in the tide, then you are in the subtidal and if your feet are always dry, then you are in the intertidal, which the town has jurisdiction over." Jessica suggested the town ordinance should reflect the new definition of ***intertidal zone*** as the shores, flats or other land between the high-water mark and the extreme low-water mark (Sec.2.12 MRSA §6671, as amended by PL 2013, c. 301, §14; c. §31; and c. 517, §1). Discussions took place regarding the bill.

#### IV. Ordinance Changes and Resource Survey (1<sup>st</sup>)

Mike Brown distributed a packet that had recommended changes to the ordinances. Harbormasters Benjamin Burnes and Matthew Merriman, Mike Brown, Jessica Joyce and Pete Thayer assisted in the recommended ordinance amendments. The committee reviewed the changes page by page.

When asked about the timeline regarding the ordinance amendments, Mike Brown stated that for procedural reasons because of public notice requirements for a formal hearing, DMR review and others, the hope would be have some proposed documentation out to DMR by the end of summer, to the Town Council by the beginning of fall. We would want to do any public hearing

and address any issues prior to license allocations which is required by ordinance to be done by the end of November. Our license allocations will be directly connected to what species we are regulating at that point in time.

Jessica stated the town has not done a scientific survey of the flats in 7-8 years and thought it would be a good practice to survey the flats and know what is there before add in other species. Hank Adams stated quahogs are plentiful in the flats.

After lengthy discussion on the proposed amendments to the ordinance, it was decided that further discussion would be needed for some of the proposed amendment changes and no vote was needed at tonight's meeting. Mike stated we could go in and clean up some of the changes and bring them all back to future meeting to have a vote on them. Both Ralph Oulton and Hank Adams advocated having 1 peck per species, recreational. Non-binding, straw poll indicated all were in agreement.

Mike Brown stated the commission should think about adding requirements to non-resident commercial diggers to participate in conservation programs.

There was agreement that there needs to be more research on the definitions of bushel, peck, (bag limits). Mike would be checking with the Harbormasters as well as obtaining bushel, peck language from the State statutes and will bring to the next meeting so that we can decide whether to include them into definitions.

The volunteer program will need further discussions at a future meeting.

Discussions took place reference the sizing of various species. Mike stated that from state law prospective we are require to have the size restriction listed in our ordinance. However, the state does not require us to list the size restriction for any of these other species. Last November, it was this groups desire to include size restrictions.

Mike asked the members to review the proposed language changes and bring any thoughts or concerns to him via email in the coming weeks. At the next meeting, we should have the language in place and ready for a vote. Aside for a few items that need further discussion at the next meeting, this document should be ready for a recommendation of language adoption to take effect on or about January 2019. Mike also stated that concurrent with this ordinance language update, he believes that it will be necessary to conduct a shellfish survey along our shoreline. The reason being any substantial modification to our ordinance that has to go out to public hearing, that will be subject to DMR review should be based upon scientific observations along our shoreline (fall 2018). He will obtain some prices for the survey and bring them to the next meeting. It was noted that depending what the cost of the survey is, it is possible it may need town council authorization.

#### **Highlights from Shellfish Focus Day**

Jessica Joyce spoke about her involvement in the Shellfish Focus Day and some of the research findings. She passed out some information for the members to review (Technical Memorandum; Are littleneck clams the next frontier in aquaculture? How Maine can save its historic clamming industry?)

**New Business**

No future meeting date was set.

**V. Adjournment**

Motion: Motion to adjourn at 7:47 p.m.

Moved by: Hank Adams

Seconded by: Ralph Oulton

VOTE: All approved - Unanimous